



January 5, 2021

By Electronic Mail

Thomas Carroll
Acting Director
Air Enforcement Division
Office of Civil Enforcement
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, NW
Mail Code: 2201A
Washington, DC 20460

Re: January Update to Response to April 24, 2020 Letter from the U.S. Environmental Protection Agency

Dear Mr. Carroll:

Birla Carbon USA, Inc. (“Birla” or the “Company”) submits this letter as the eighth update to its May 22, 2020 response to the April 24, 2020 letter it received from the U.S. Environmental Protection Agency (“EPA” or the “Agency”) regarding force majeure notices the Company submitted on March 16 and 18, 2020 in anticipated noncompliance with obligations under the Consent Decree between the United States of America, the Louisiana Department of Environmental Quality (“LDEQ”), the Kansas Department of Health and Environment (“KDHE”), and Columbian Chemicals Company. Consent Decree, *United States et al. v. Columbian Chem. Co.*, No. 6:17-cv-01661-RGJ-CBW (W.D. La. June 11, 2018).

Please note that certain attachments to this letter include confidential business information (“CBI”) and are marked as such. Documents marked for CBI are entitled to confidential treatment under 40 C.F.R. Part 2, Subpart B, and are not subject to disclosure under the Freedom of Information Act (“FOIA”), 5 U.S.C. § 552. We ask that LDEQ and KDHE similarly treat this as CBI under their analogous state laws.¹

¹ Certain attachments to this letter include CBI, which Birla has designated as such with the stamp “CONFIDENTIAL BUSINESS INFORMATION NOT SUBJECT TO DISCLOSURE UNDER FOIA.” Based on a review of relevant LDEQ regulations, La. Admin. Code tit. 33, pt. I, § 501(A), Birla understands that it must submit any CBI via mail or delivery to LDEQ and not electronically. At this time, Birla is providing the entire submittal to EPA and KDHE, and will separately submit the letter and its attachments to LDEQ.

I. North Bend

Since our last update, construction was ongoing at North Bend for installation of equipment required under the Consent Decree. As per the attached letter from Birla's engineer of record, SNC-Lavalin Constructors Inc. ("SNC"), due in part to the Company's efforts to expedite the project, overall delays in meeting North Bend Consent Decree deadlines were reduced from a two to four month delay and are now estimated at just over seven weeks from the original target date of October 1, 2021. *See Confidential Attachment 1.* The completion date for the project is now estimated to be November 22, 2021. *See id.*

II. Hickok

Construction is ongoing at Hickok for installation of equipment required under the Consent Decree. *See Confidential Attachments 2, 3, and 4.* Birla received notice from its supply chain lead that the reactor vent scrubbers shipment is delayed. *See Attachment 5.* Birla is working diligently with shipping companies to get the equipment delivered to the site as soon as possible, and the Company paid extra fees to join a priority shipment program. *See id.* The Company was advised by its shipping agent that delivery should be expected in Denver, Colorado on February 22, 2021, where the container will have to clear U.S. Customs and Border Protection ("CBP"). *See Confidential Attachment 6.* Once the container clears CBP, it will be delivered to the site for installation and commissioning. Birla Carbon anticipates that the installation and commissioning will take three to five weeks. Due to this delay and others described in our last notice, Birla estimates the completion date for the project to be April 9, 2021. *See Attachment 7.*

The Company continues enforcing all COVID-19-related requirements at both project sites. COVID-19 cases have gone down since the Company's last notice, but one employee at Hickok was quarantined as of the date of this notice.

We will update you with more details as they become available. Please contact David Buente at 202-255-8684 or dbuente@sidley.com if you have any questions in the meantime.

Sincerely,



Randy Waskul
Global Director, Health, Safety & Environmental

CC: Kellie Ortega, U.S. EPA (by email)
Patrick Foley, U.S. EPA (by email)
Chris Williams, U.S. EPA (by email)
Carlos Evans, U.S. EPA Region 6 (by email)
Emad Shahin, U.S. EPA Region 6 (by email)
Lisa Gotto, U.S. EPA Region 7 (by email)

Lisa Hanlon, U.S. EPA Region 7 (by email)
Amy Algoe-Eakin, U.S. EPA Region 7 (by email)
Alex Chen, U.S. EPA Region 7 (by email)
Thomas Mariani, U.S. DOJ (by email)
Eli Quinn, U.S. DOJ (by email)
Connie Ellis, KDHE (by email)
Kate Gleeson, KDHE (by email)
Dwana King, LDEQ (by FedEx)
Celena Cage, LDEQ (by FedEx)
David Buente, Sidley Austin LLP (by email)
Peter Whitfield, Sidley Austin LLP (by email)

Enclosures: Confidential Attachment 1 - 2021-01-04 - North Bend - SNC Notice of Force Majeure Event

Confidential Attachment 2 - 2020-11-27 - Hickok - Worley Project Update

Confidential Attachment 3 - 2020-12-30 - Hickok - Worley Project Schedule

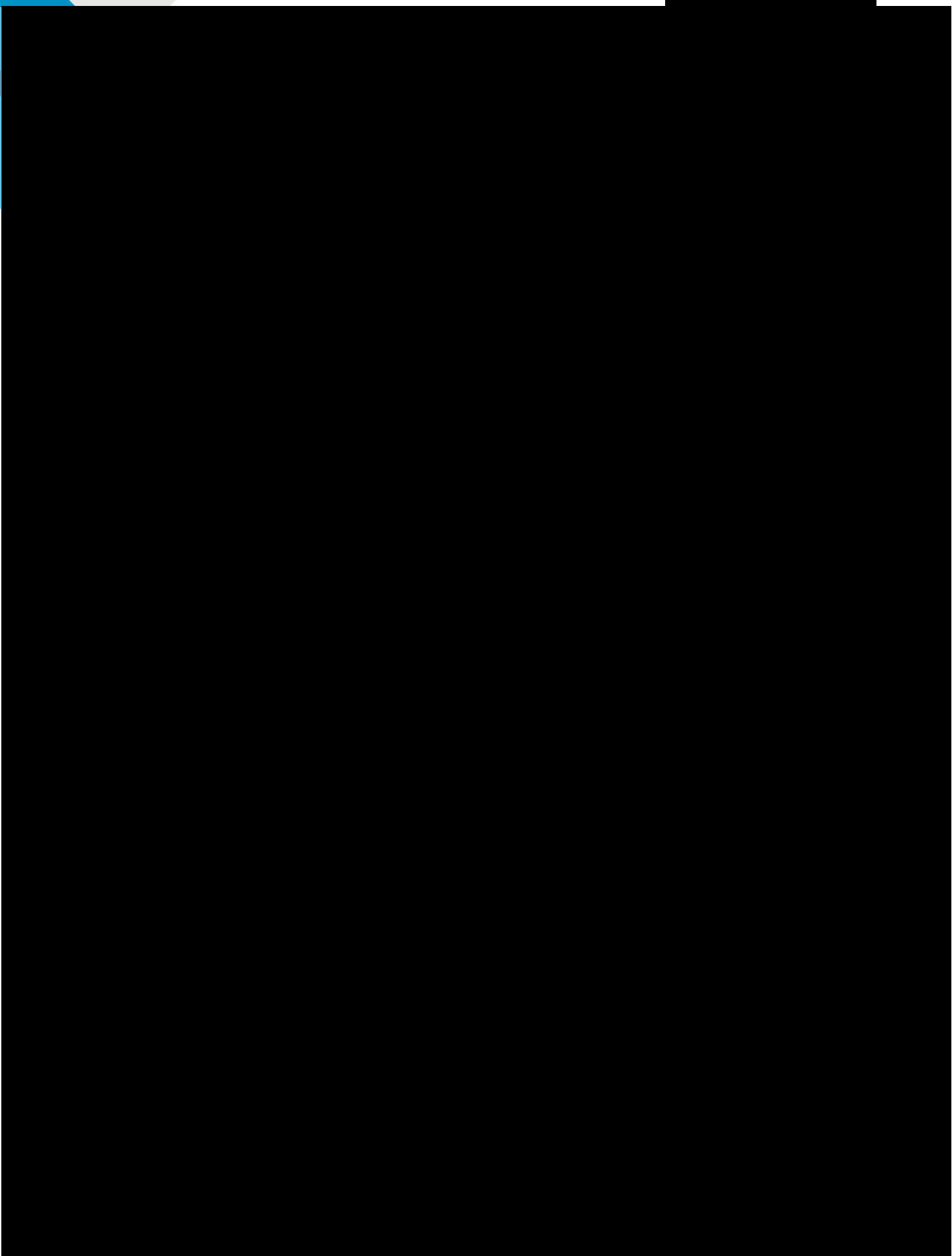
Confidential Attachment 4 - 2021-01-04 - Hickok - COVID-19 Impact Schedule Analysis

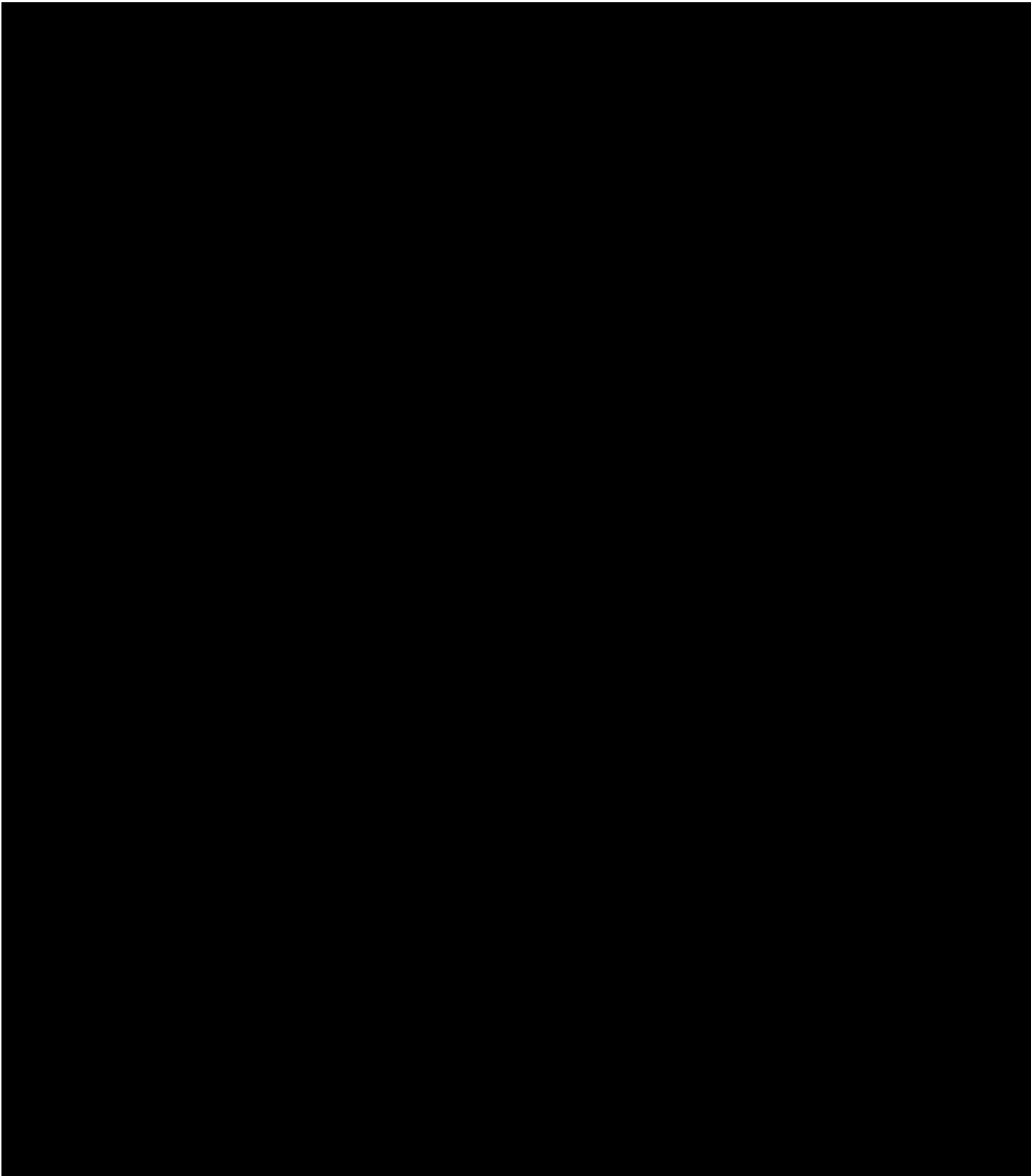
Attachment 5 - 2021-01-04 - Hickok - Notice from Supply Chain Lead

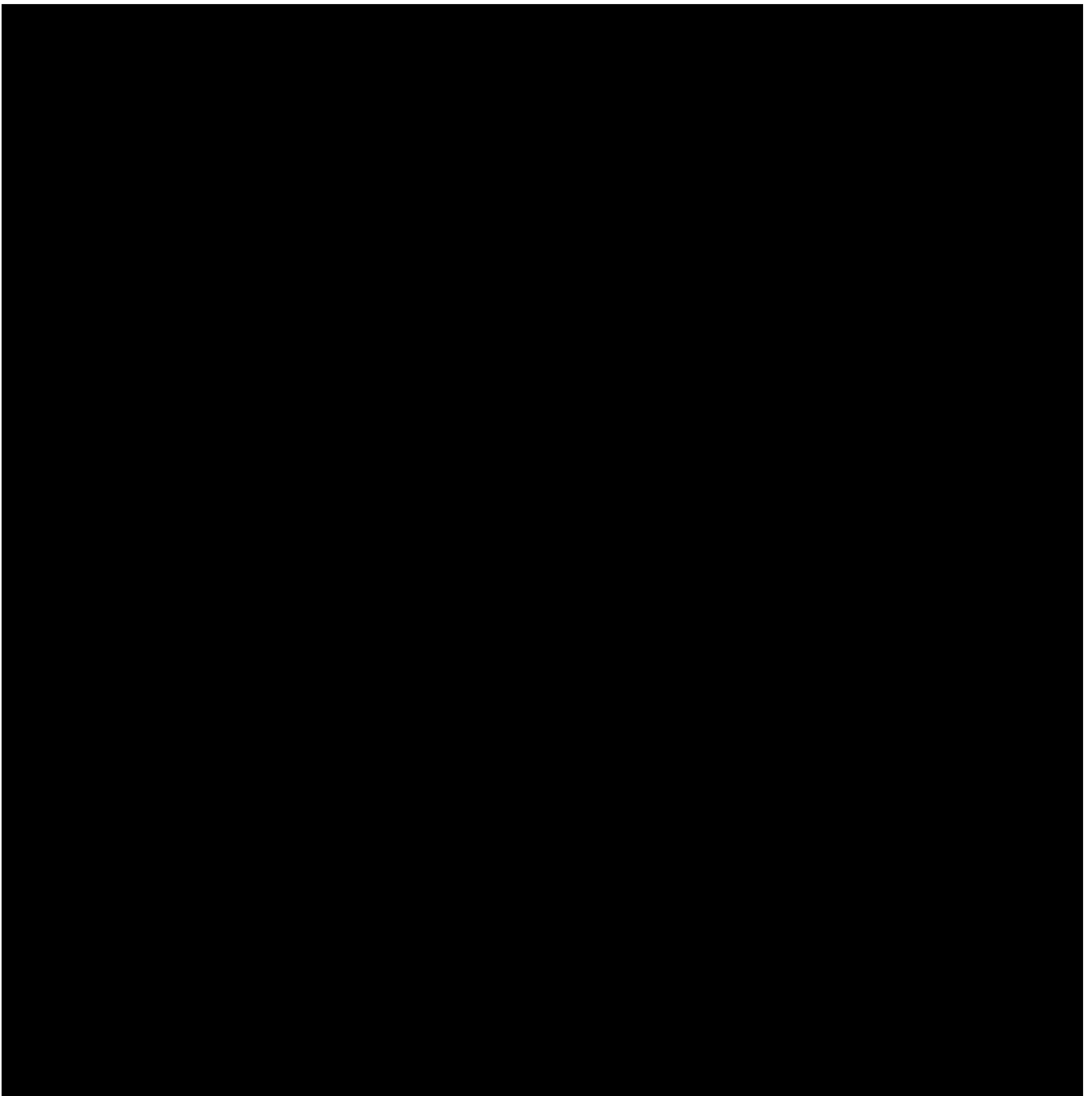
Confidential Attachment 6 - 2021-01-04 - Hickok - Notice from Shipping Agent

Attachment 7 - 2021-01-05 - Hickok - Notice from Project Director

Confidential Attachment 1
2021-01-04 - North Bend -
SNC Notice of Force Majeure Event

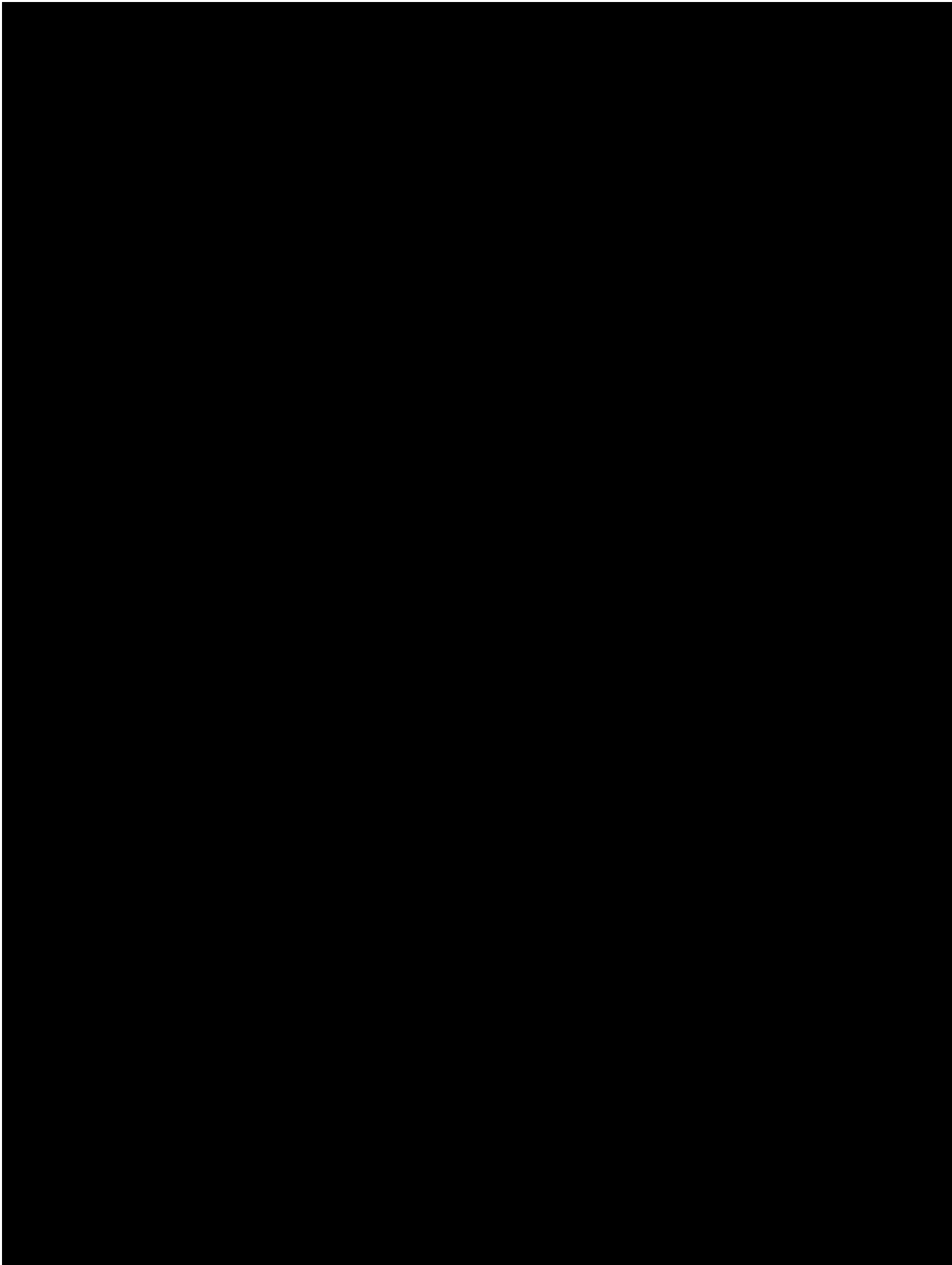


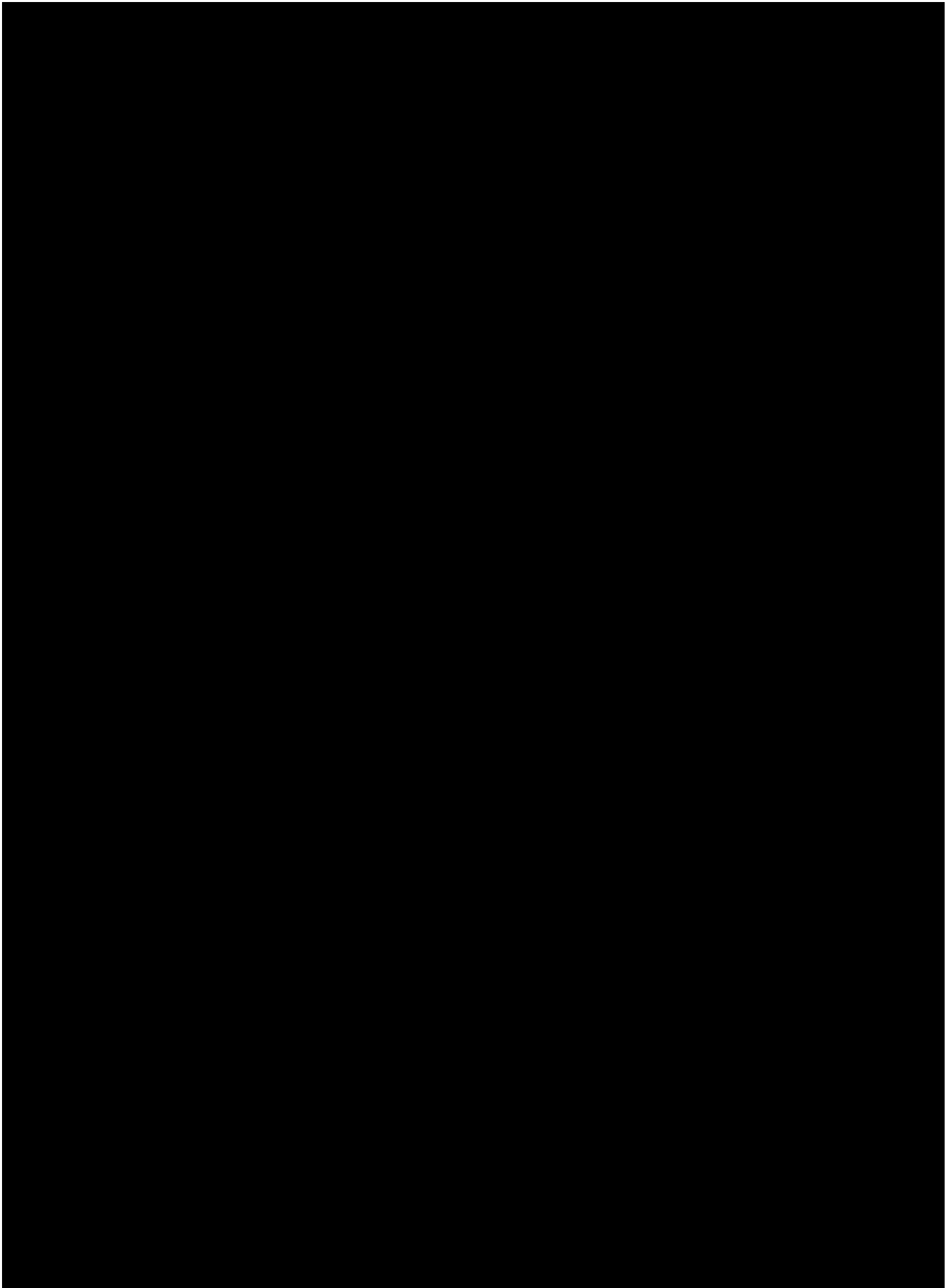


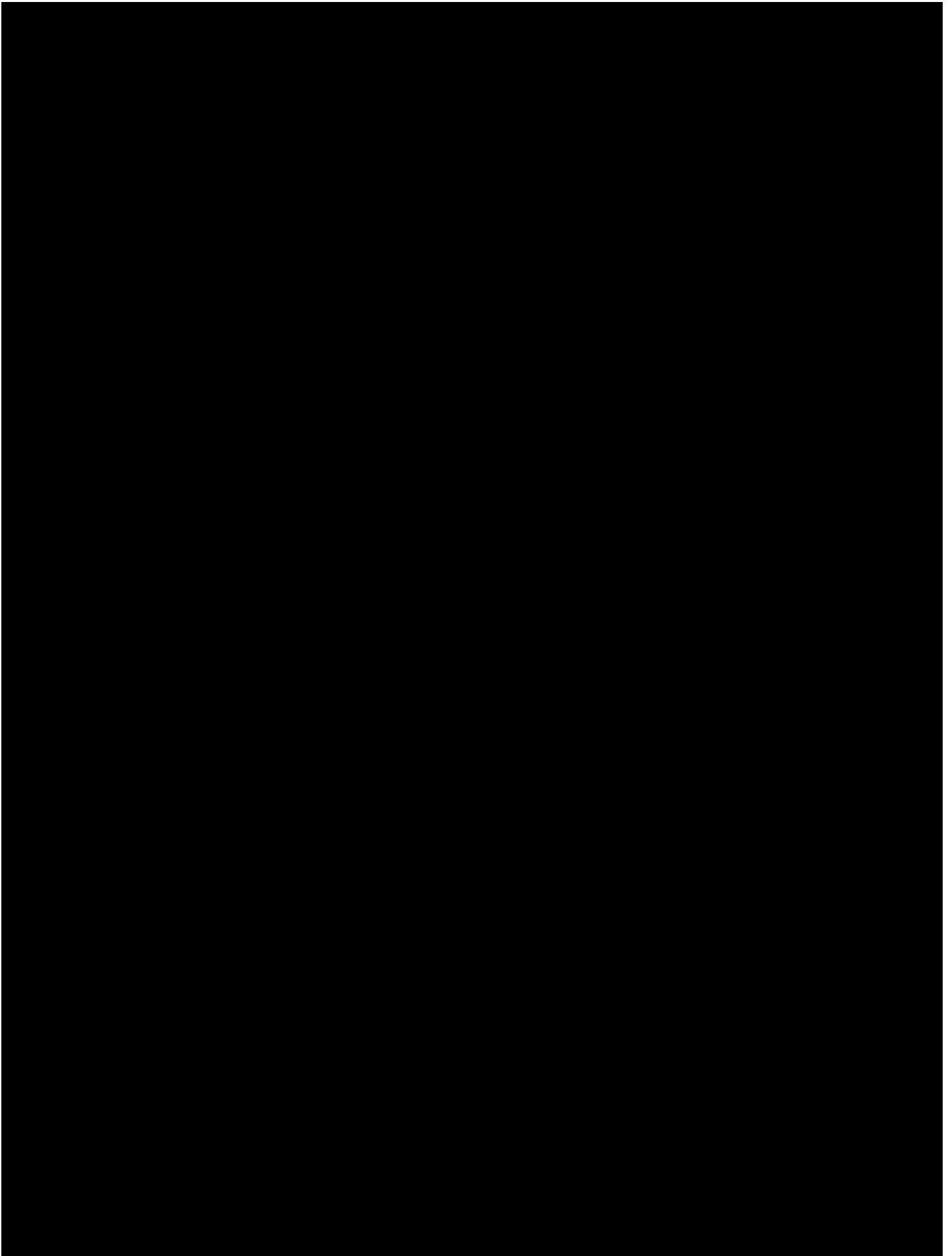


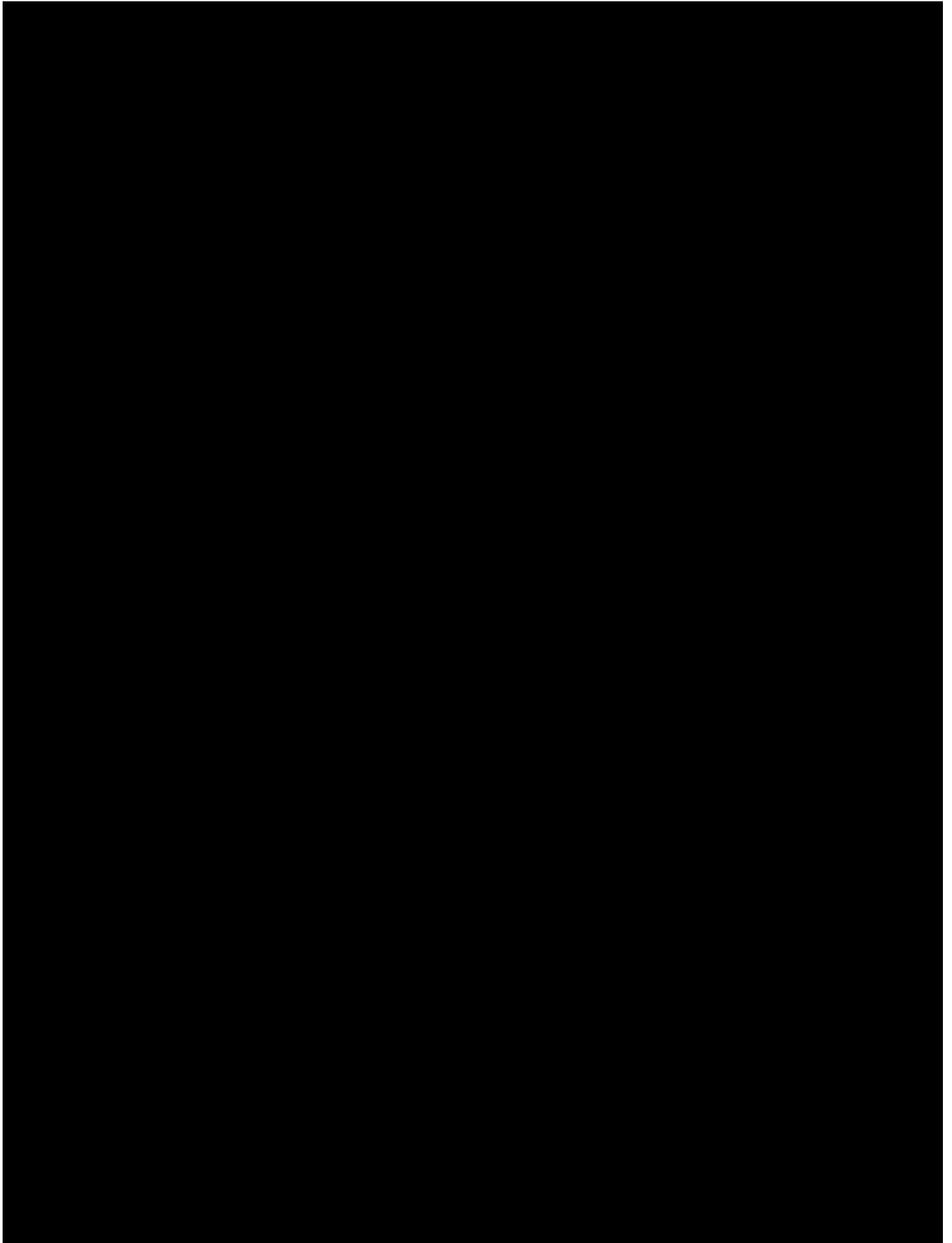
Confidential Attachment 2

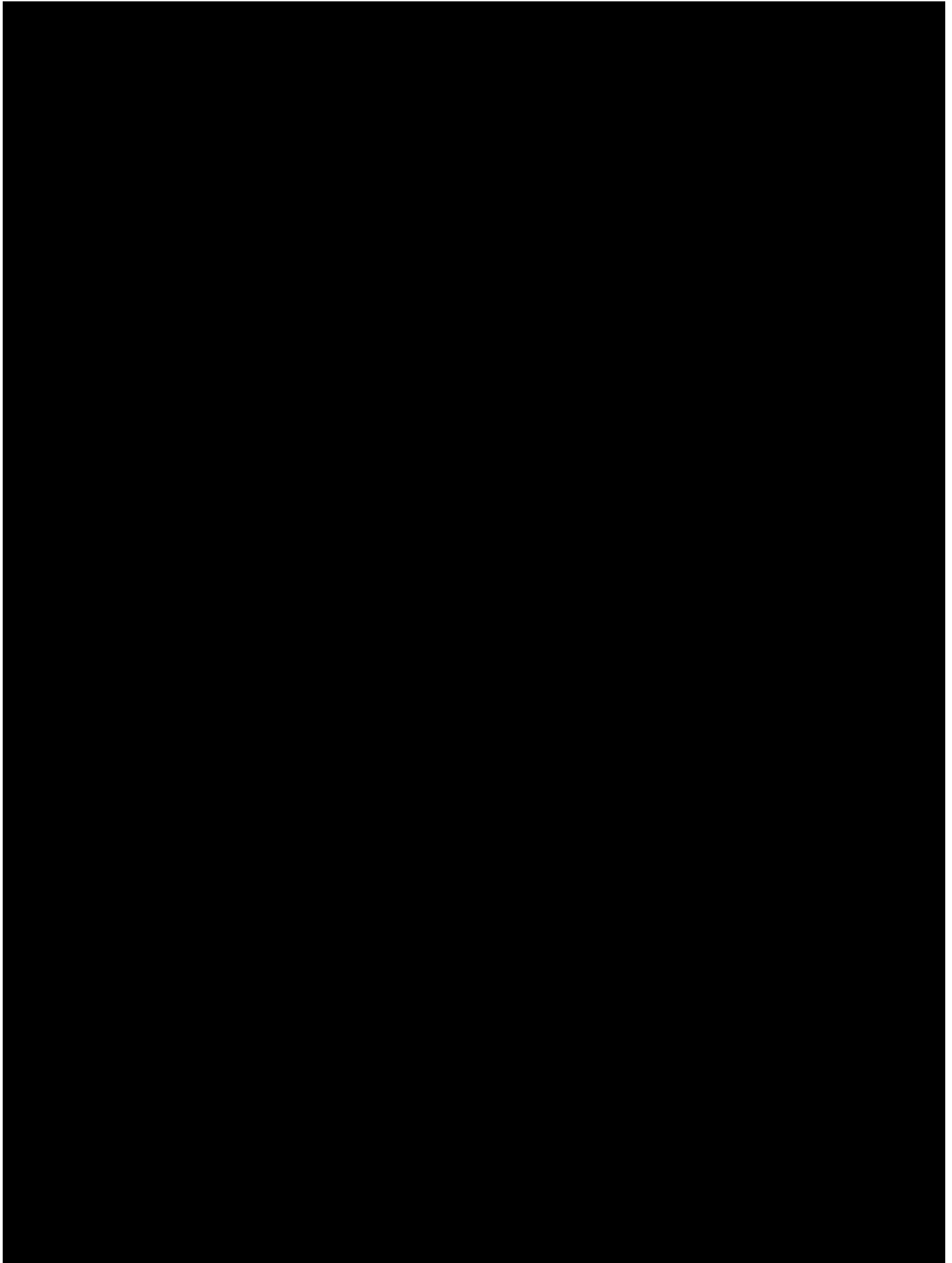
2020-11-27 - Hickok - Worley Project Update

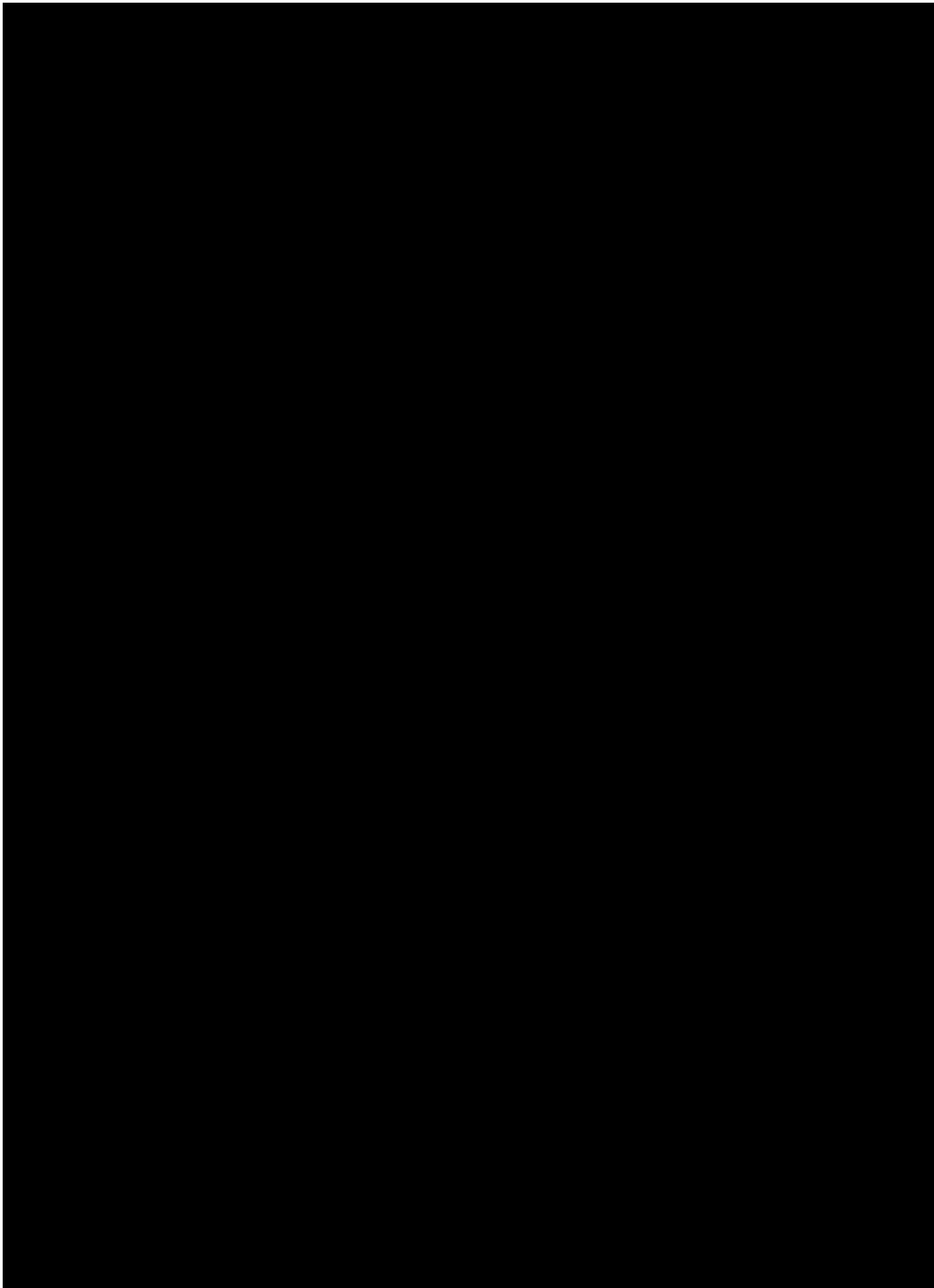


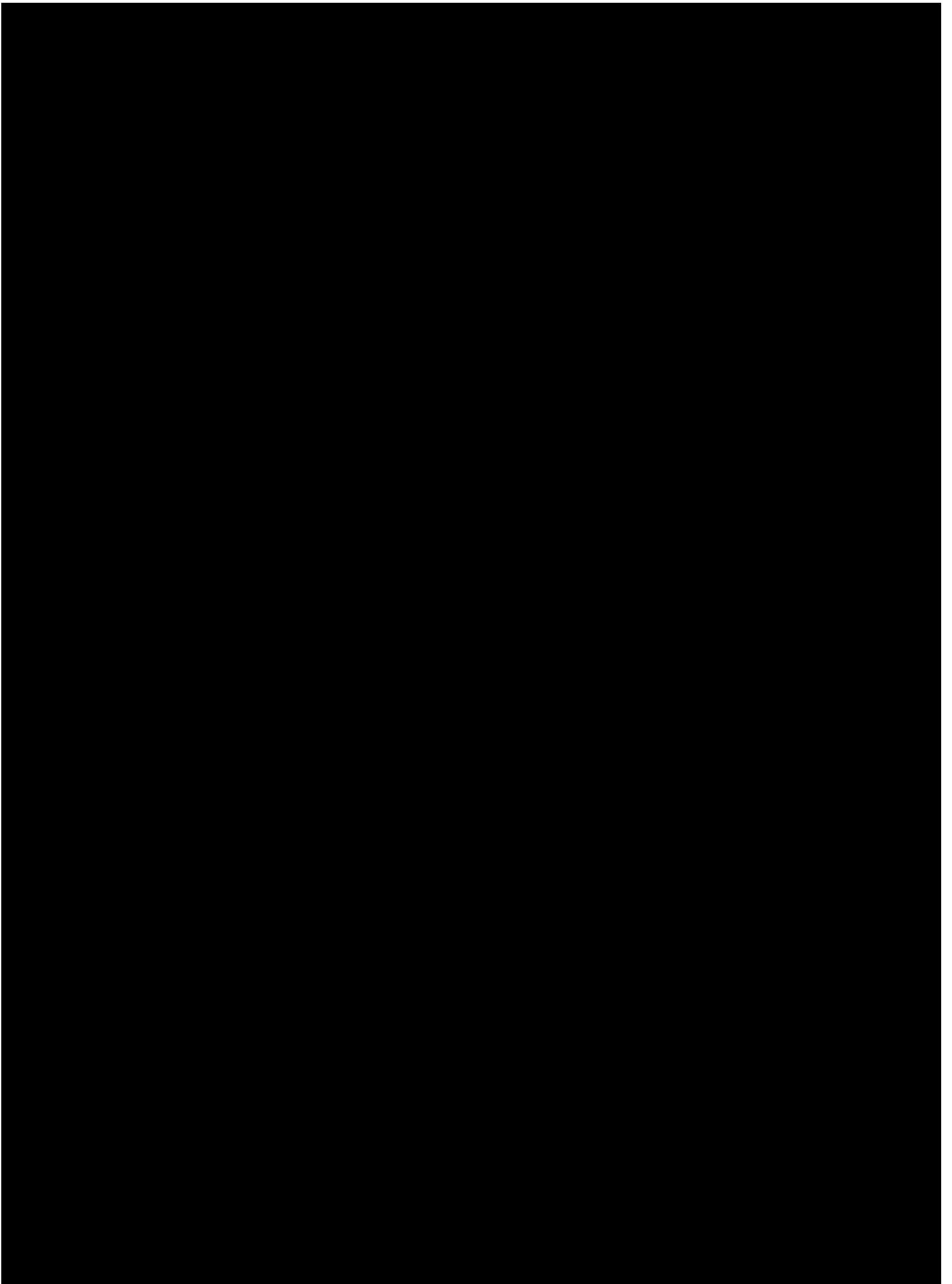


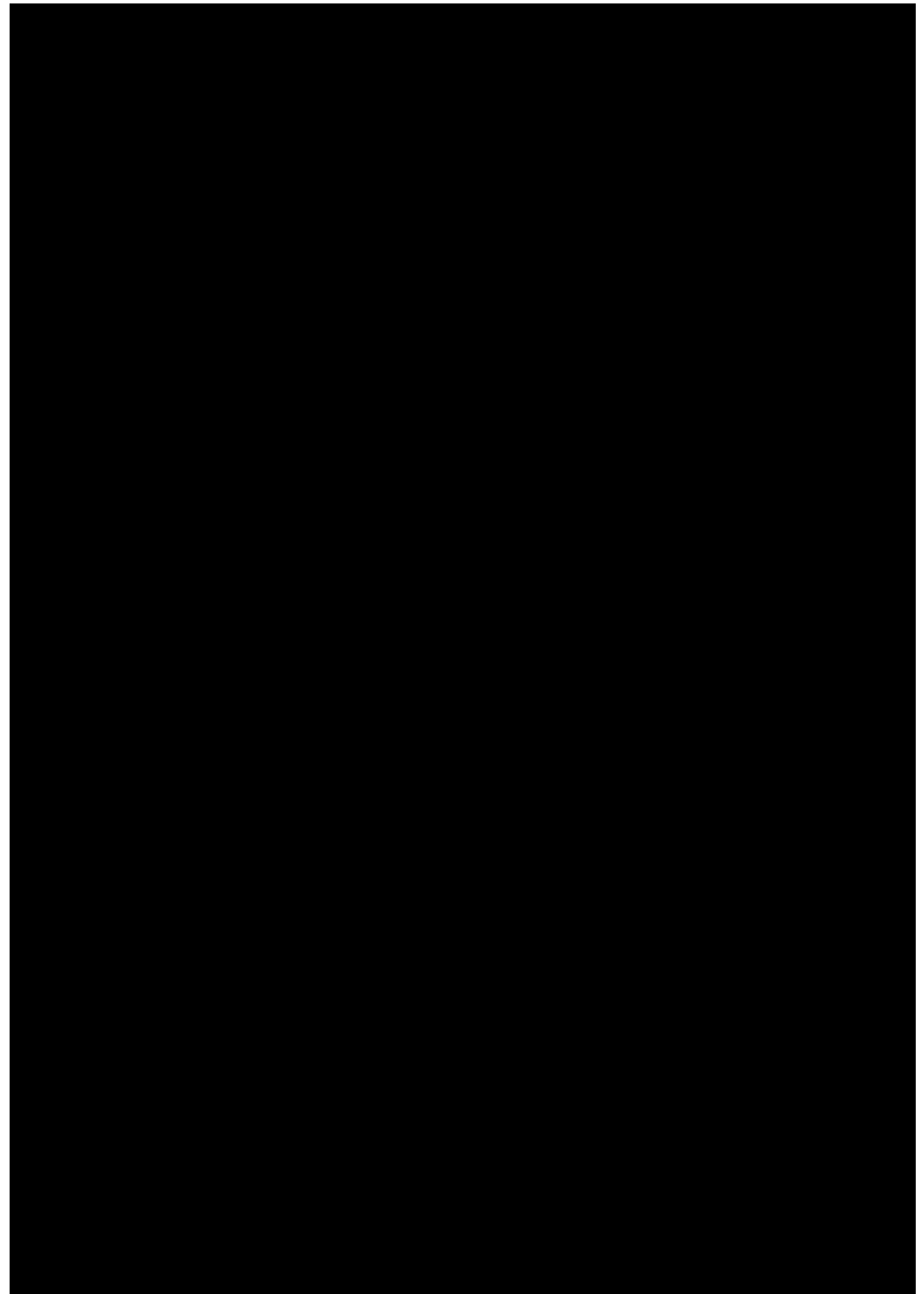


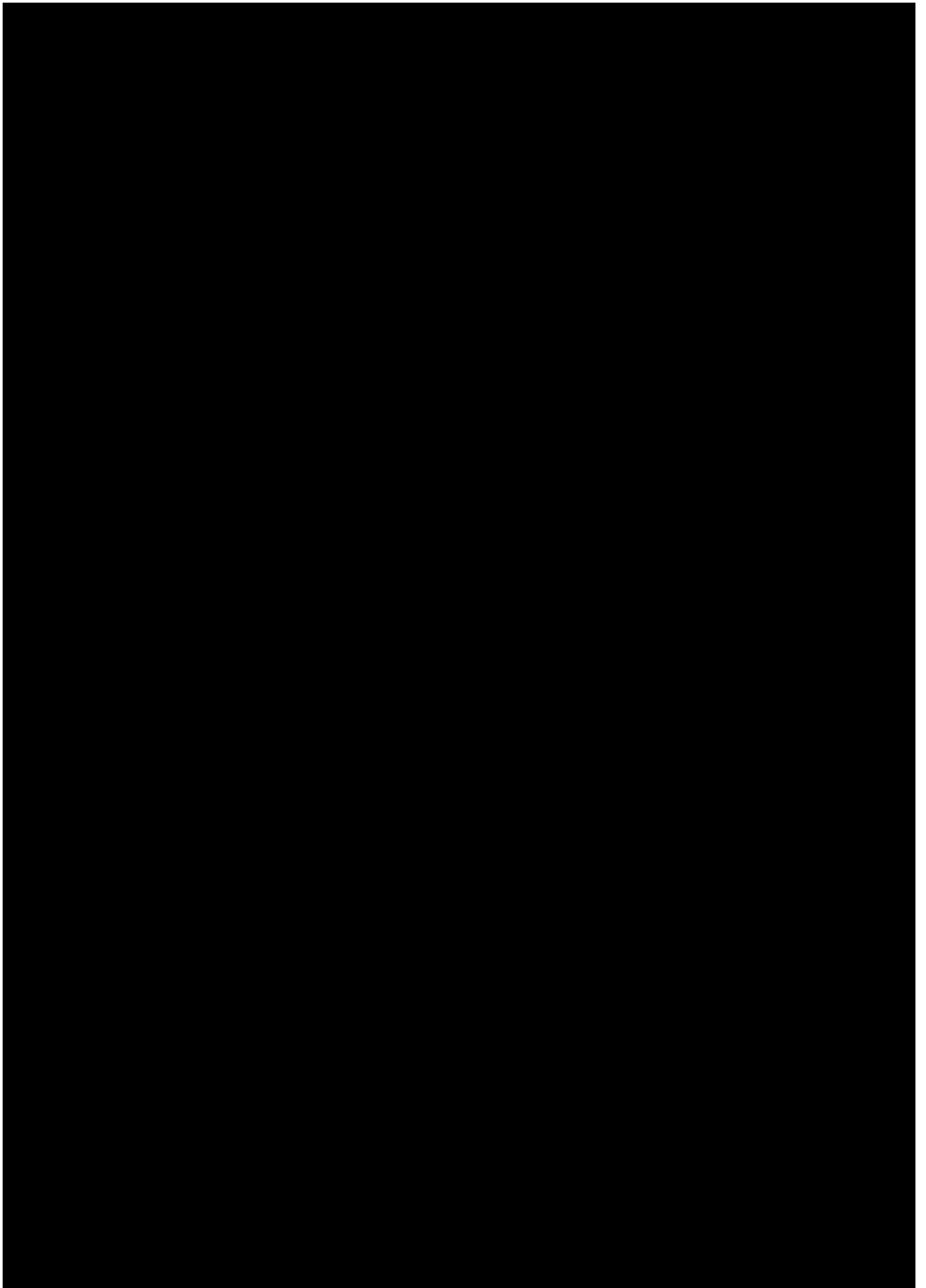


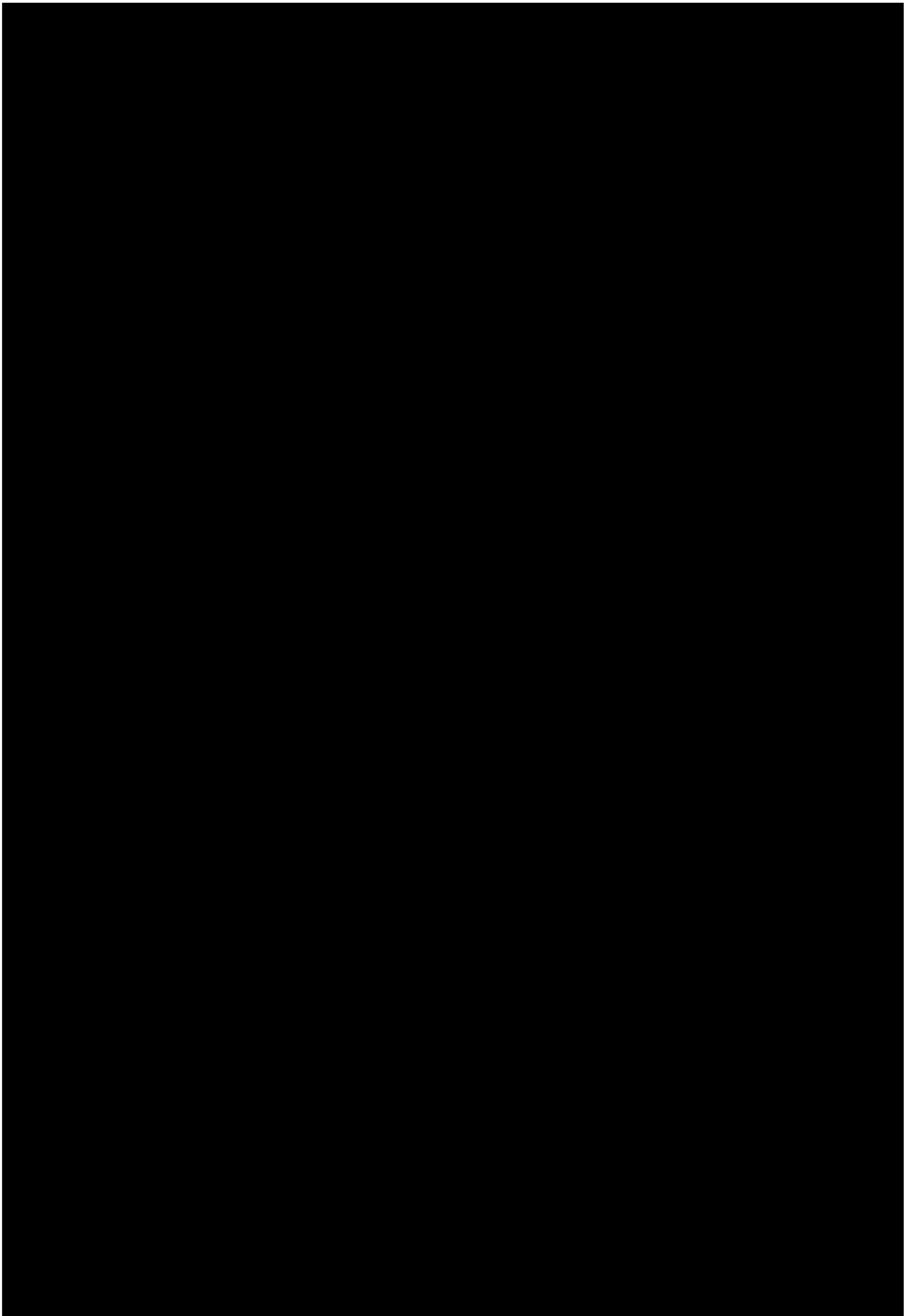


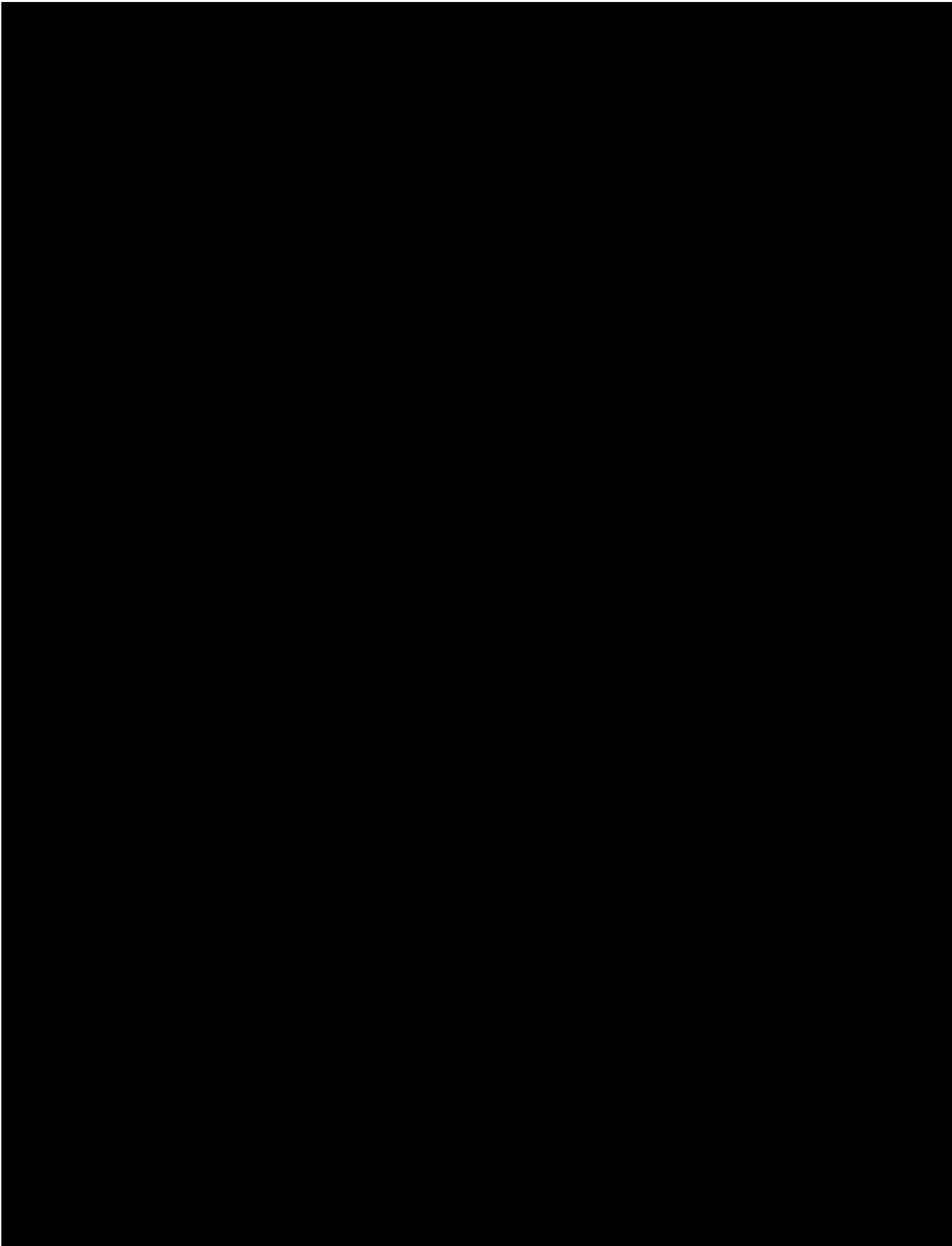


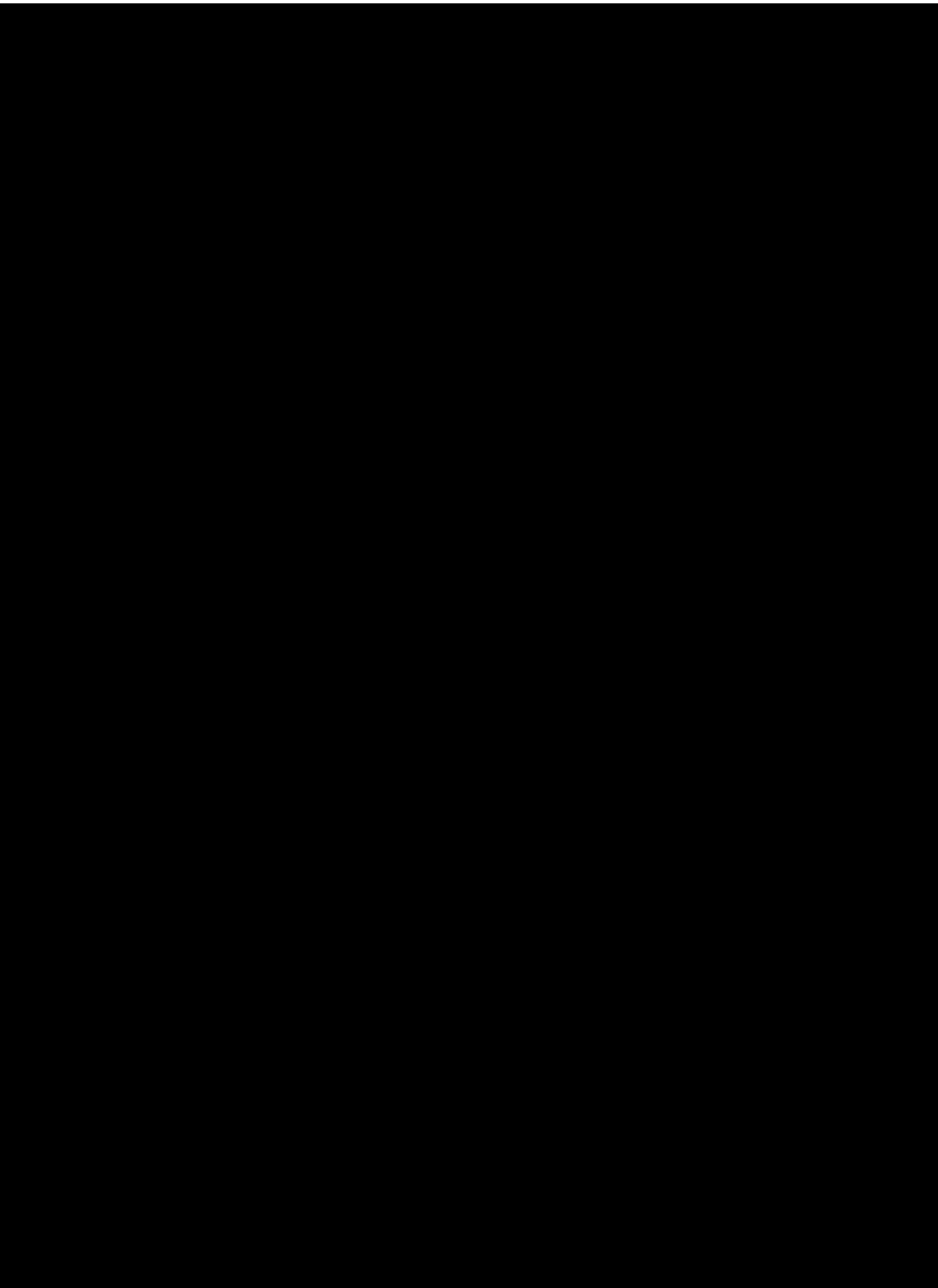


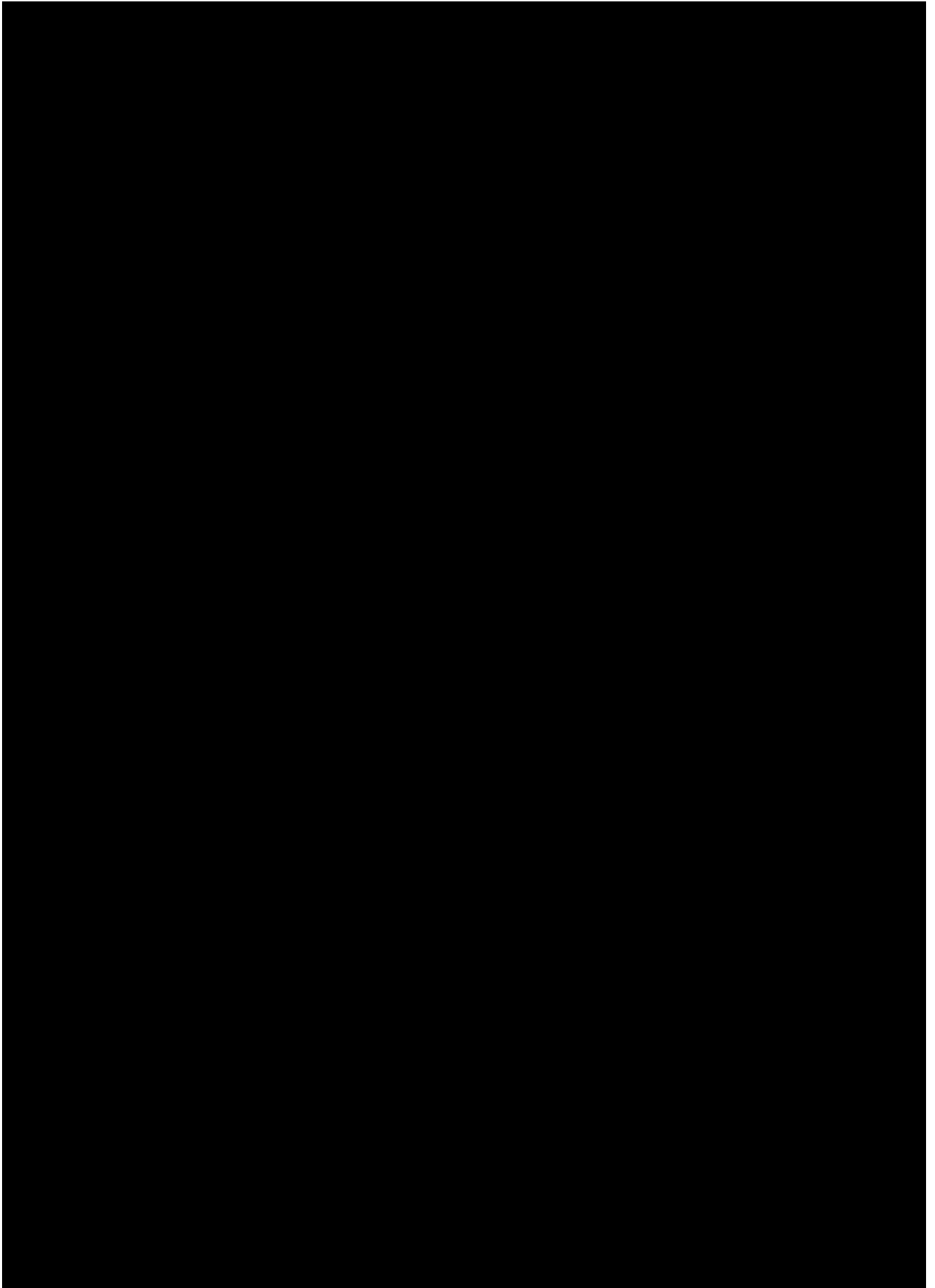












the 1990s, the number of people in the UK who are aged 65 and over has increased by 1.5 million (1990–1999) and is projected to increase by a further 1.5 million by 2010 (Office of National Statistics 2000). The number of people aged 65 and over is projected to increase by 2.5 million by 2020 (Office of National Statistics 2000).

There is a growing awareness of the need to develop strategies to meet the needs of the ageing population. The Department of Health (1999) has published a strategy for the ageing population, which sets out the government's commitment to improve the health and well-being of older people. The strategy is based on the following principles: (1) to improve the health and well-being of older people; (2) to ensure that older people are able to live independently; (3) to ensure that older people are able to participate in society; and (4) to ensure that older people are able to live in their own homes.

The strategy is based on the following principles: (1) to improve the health and well-being of older people; (2) to ensure that older people are able to live independently; (3) to ensure that older people are able to participate in society; and (4) to ensure that older people are able to live in their own homes. The strategy is based on the following principles: (1) to improve the health and well-being of older people; (2) to ensure that older people are able to live independently; (3) to ensure that older people are able to participate in society; and (4) to ensure that older people are able to live in their own homes.

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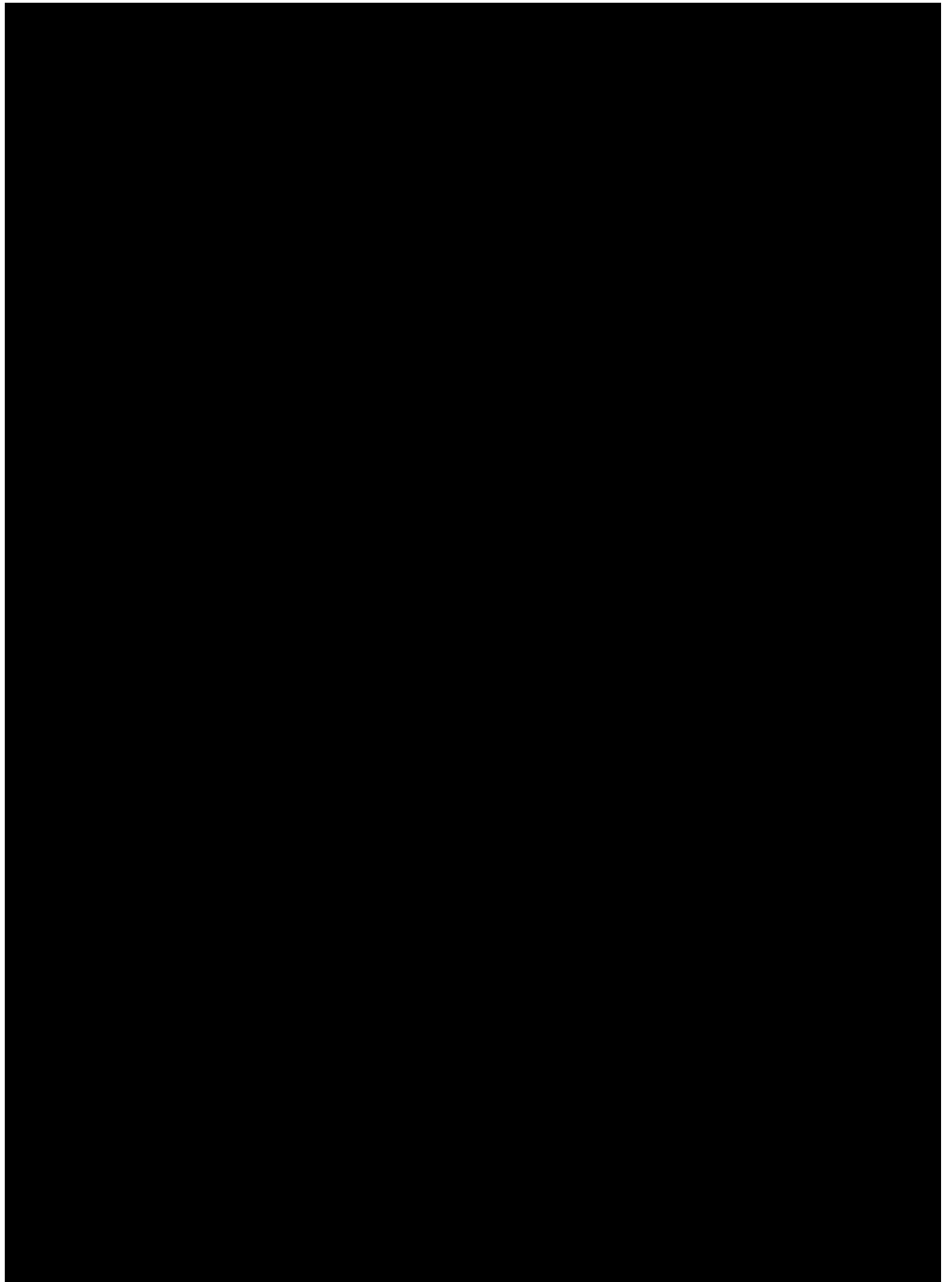
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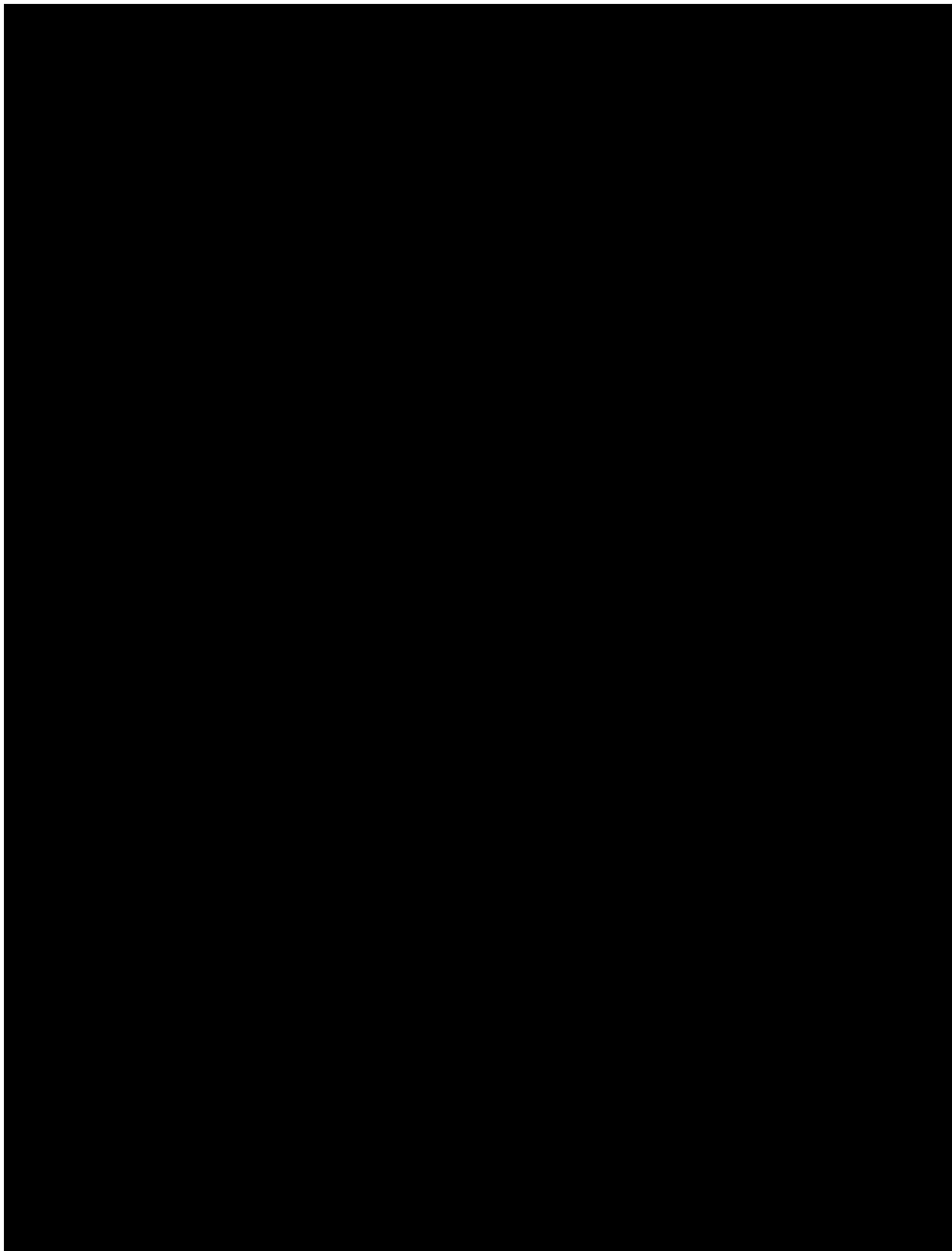
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the 1990s, the number of people in the world who are under 15 years of age has increased by 1.2 billion, from 1.1 billion in 1980 to 2.3 billion in 1999. The number of people aged 15 years and over has increased by 1.1 billion, from 1.1 billion in 1980 to 2.2 billion in 1999.

There are a number of reasons why the world population is growing so rapidly. One of the main reasons is that the number of children born to each woman has increased. In 1980, the average woman in the world had 2.5 children. In 1999, the average woman in the world had 2.7 children.

Another reason why the world population is growing so rapidly is that the number of people who are surviving to old age has increased. In 1980, the average person in the world lived for 55 years. In 1999, the average person in the world lived for 65 years.

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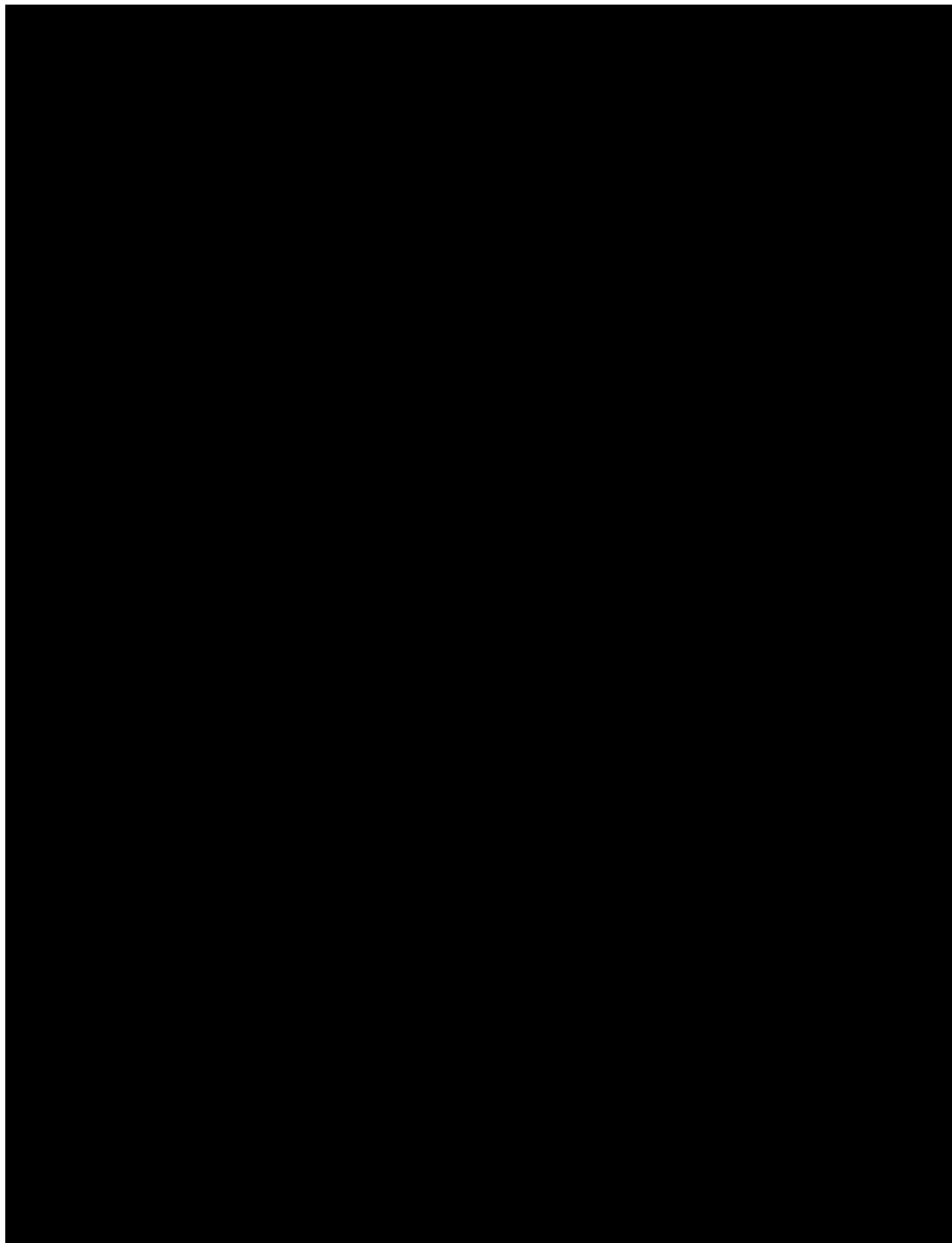
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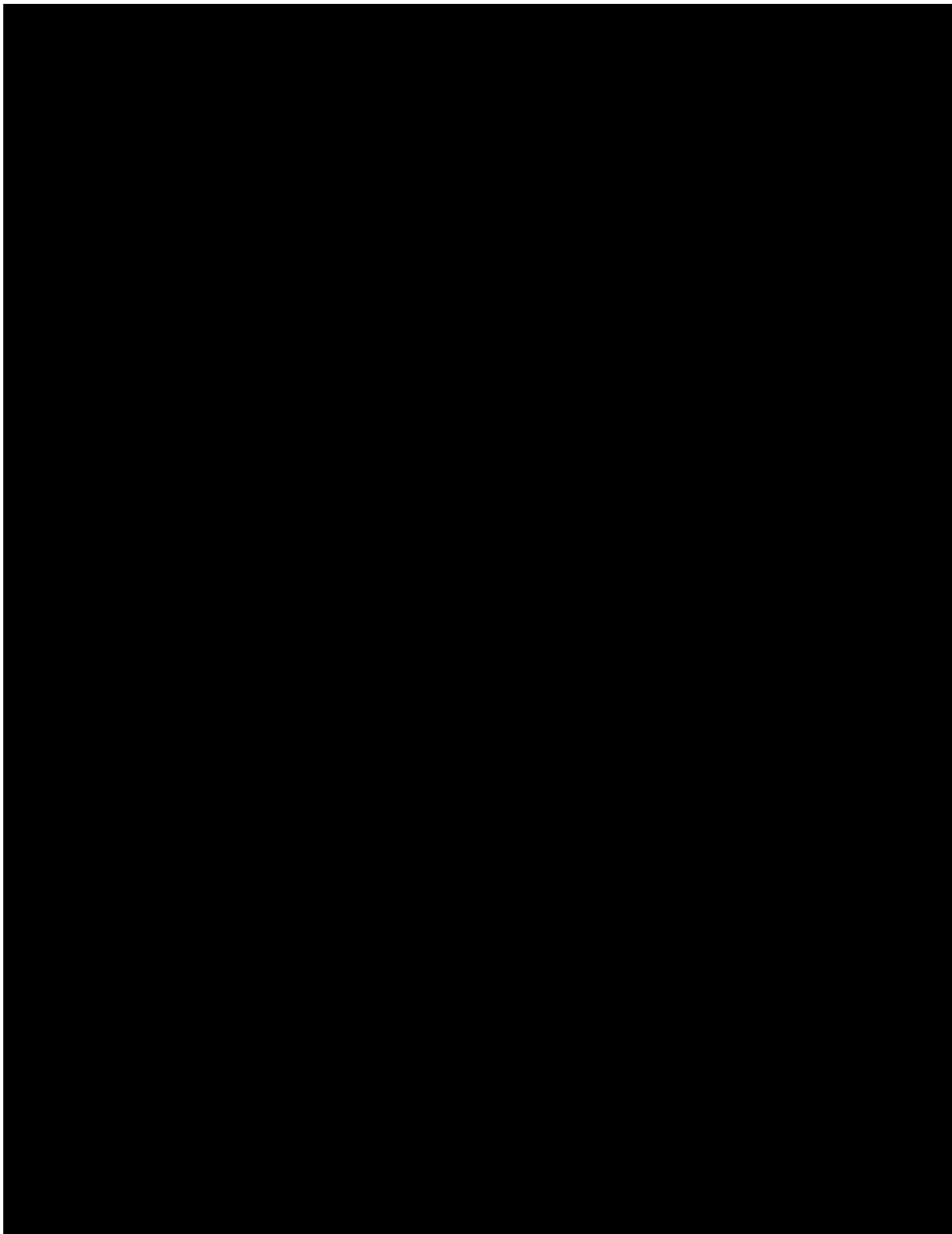
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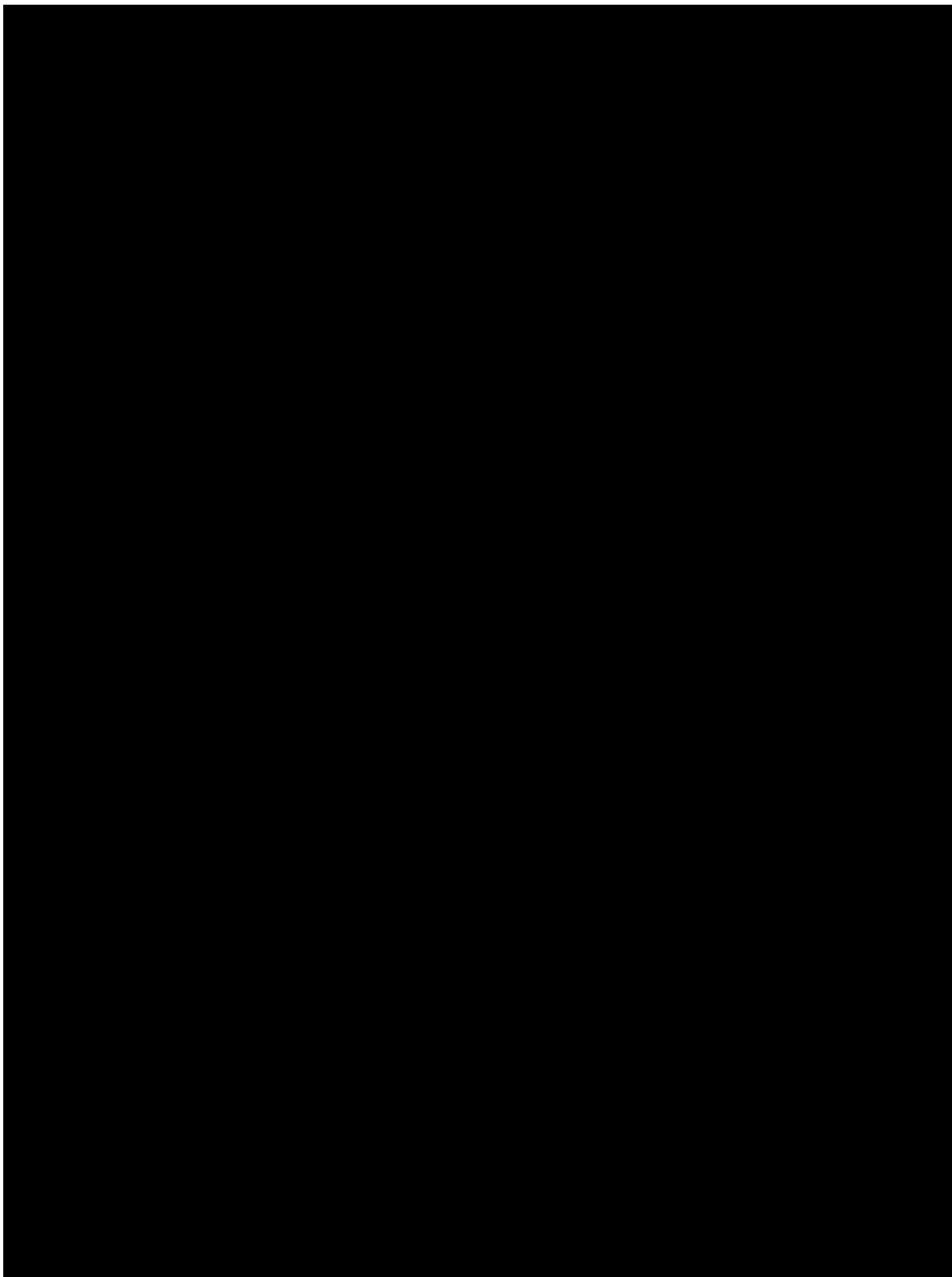
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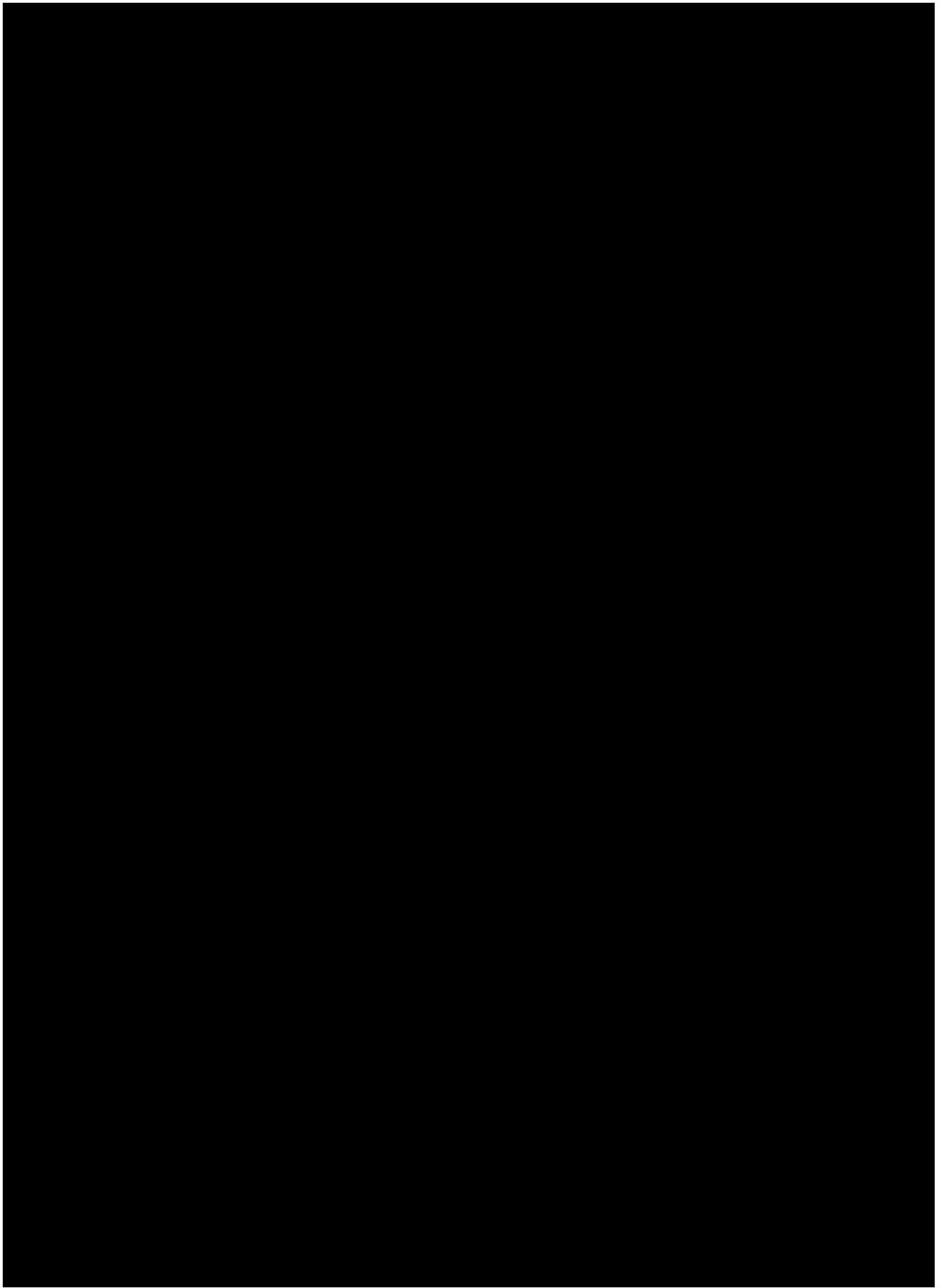


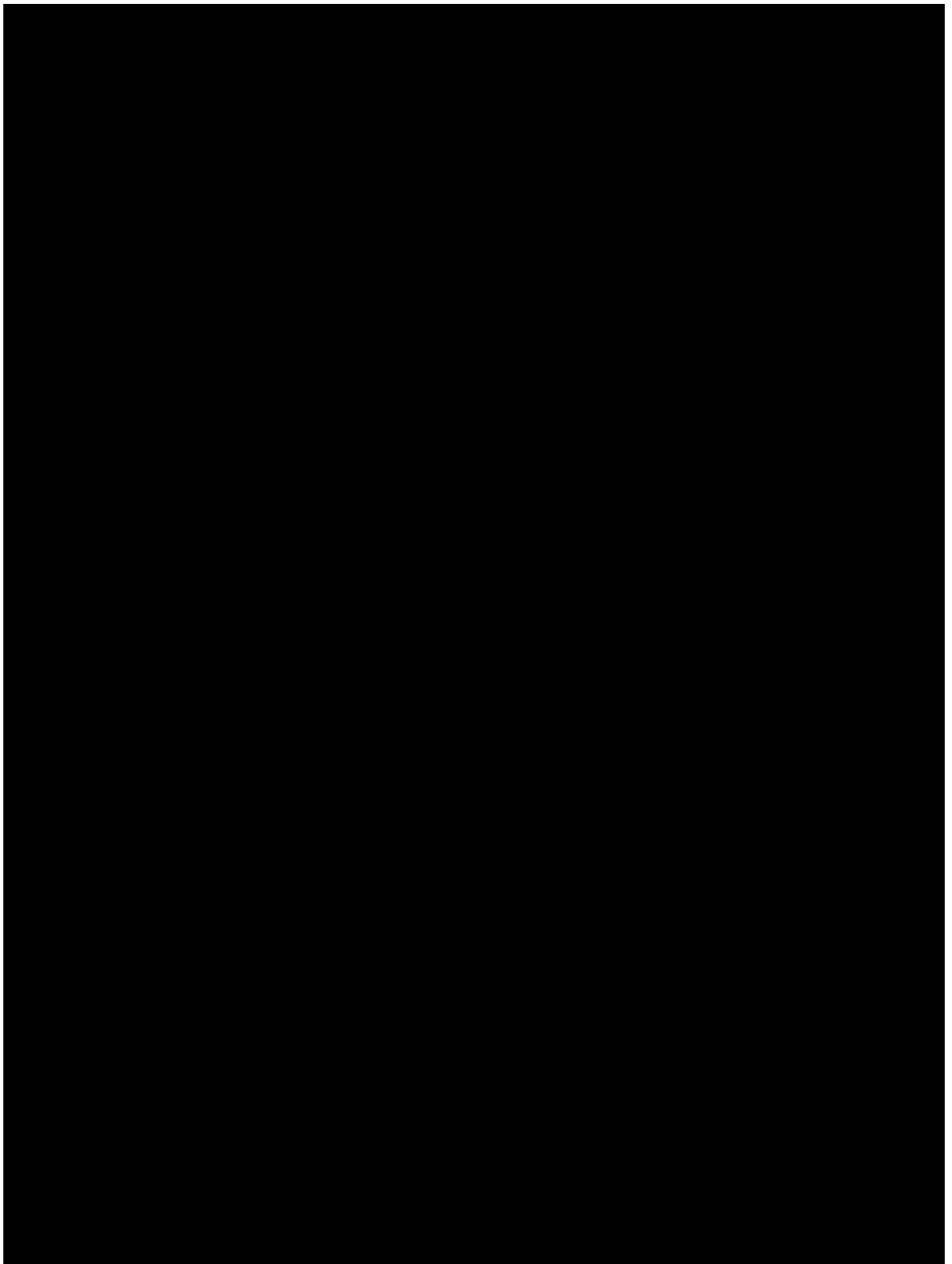
The first part of the paper discusses the importance of the research and the objectives of the study. It then proceeds to a literature review, followed by a description of the methodology used. The results of the study are presented in the next section, followed by a discussion of the findings and their implications. The paper concludes with a summary of the main points and a list of references.

The research was conducted in a laboratory setting, using a sample of 100 participants. The data was collected over a period of six months. The results show that there is a significant correlation between the variables studied. This finding has important implications for the field of research.

The methodology used in this study was a combination of qualitative and quantitative methods. This approach allowed for a more comprehensive understanding of the research topic. The data was analyzed using statistical software, and the results were presented in a clear and concise manner.

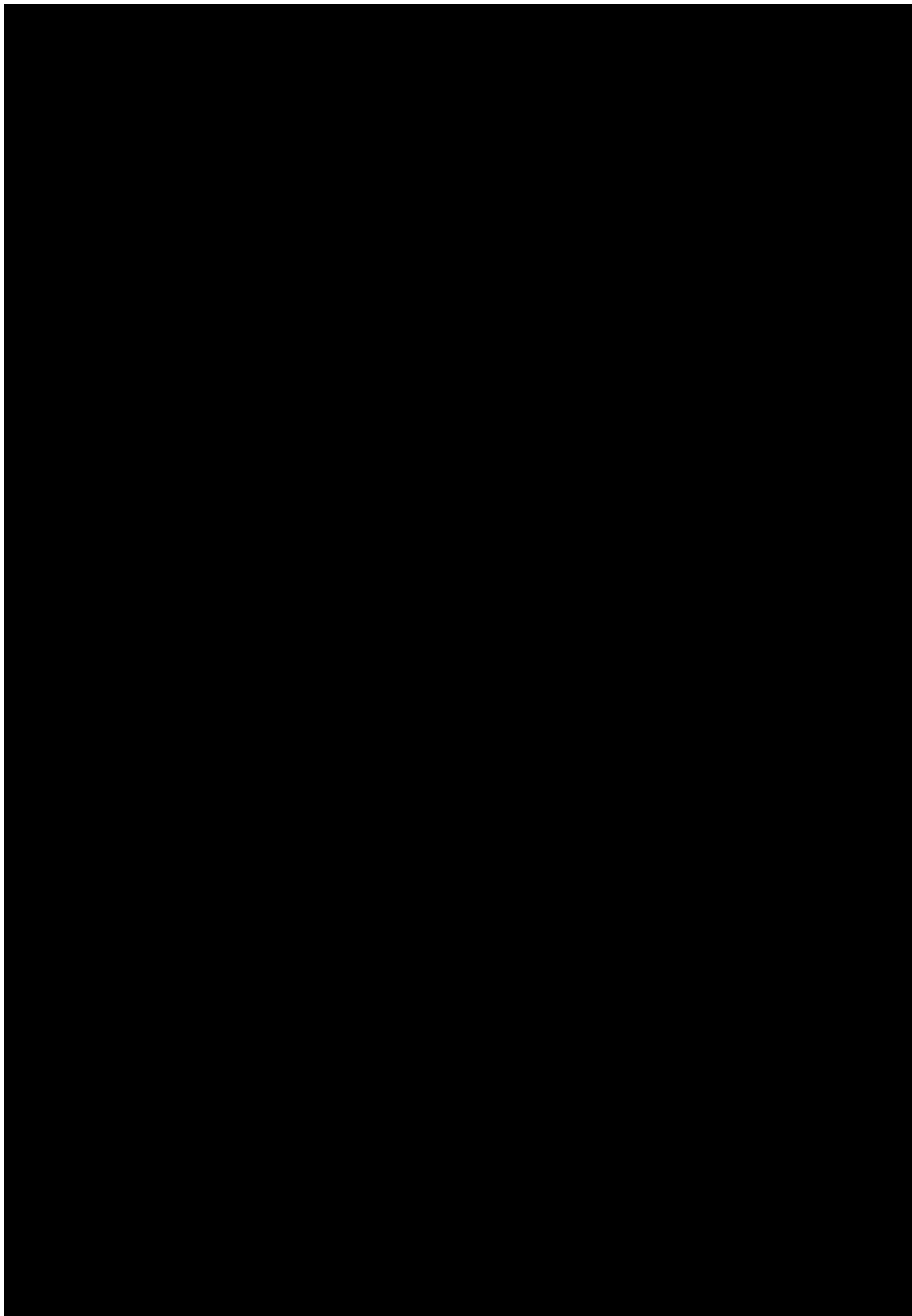
The findings of the study suggest that there is a need for further research in this area. The implications of the findings are discussed in detail, and the limitations of the study are acknowledged. The paper concludes with a list of references, providing a comprehensive overview of the research.

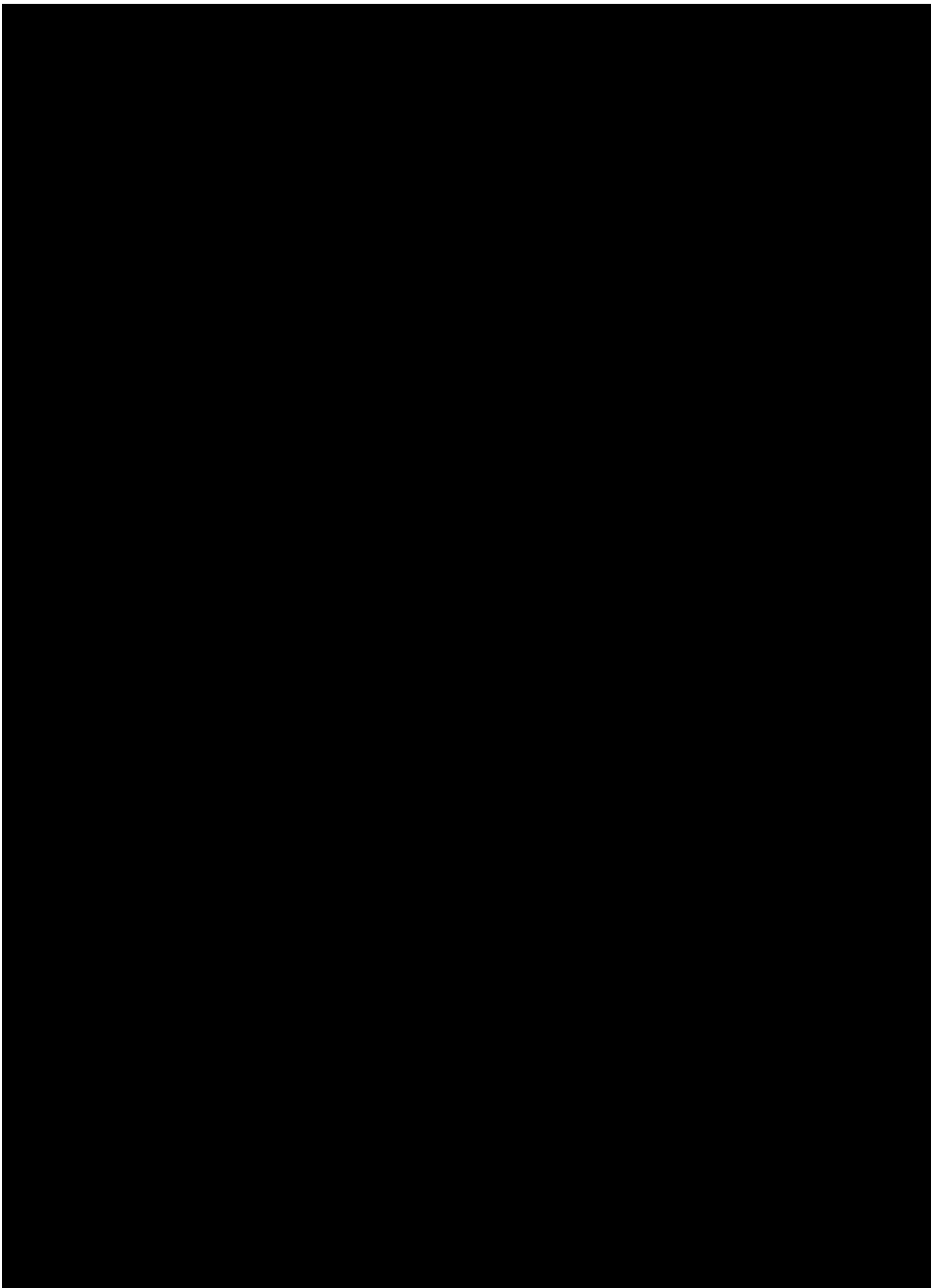




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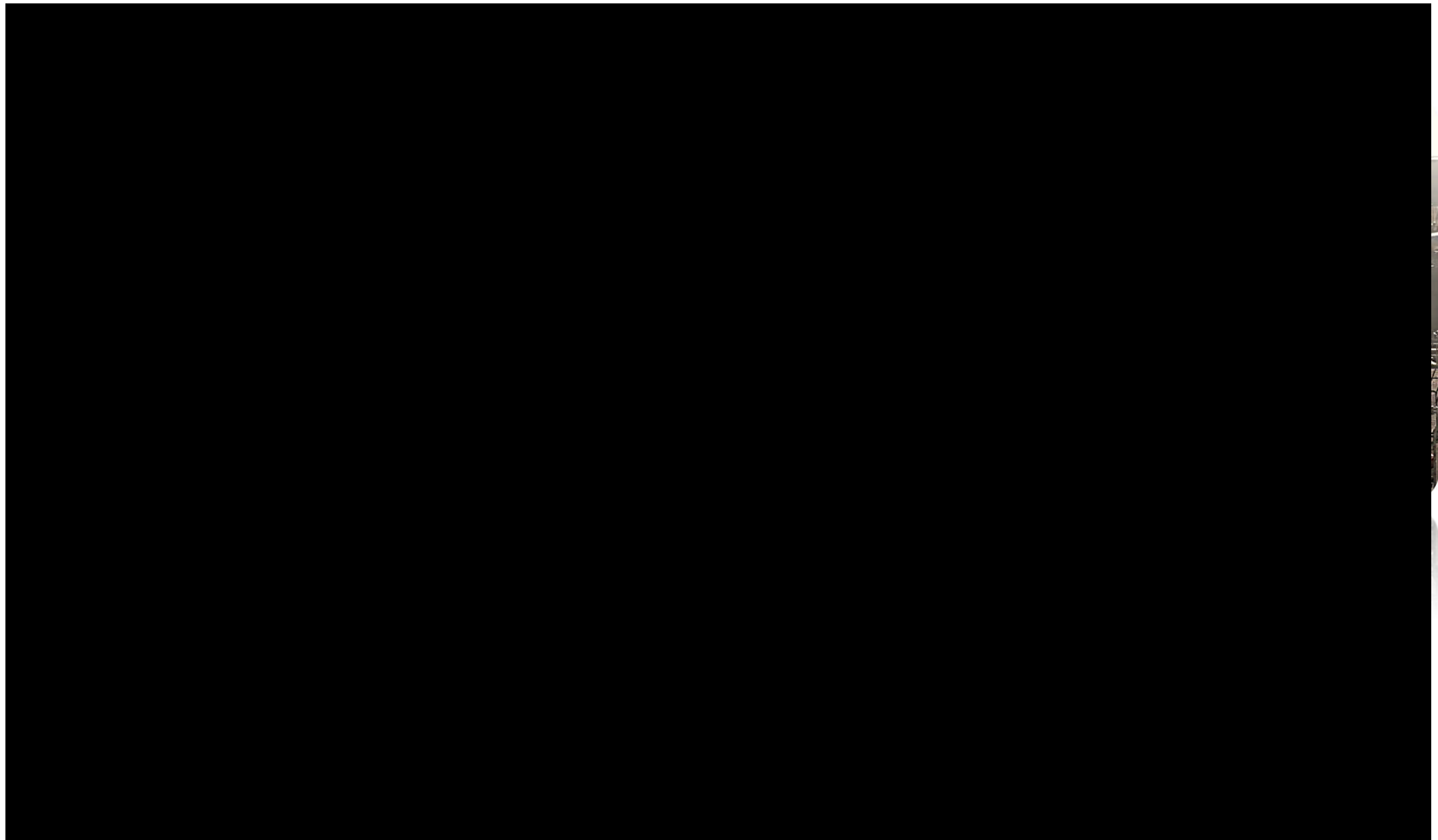


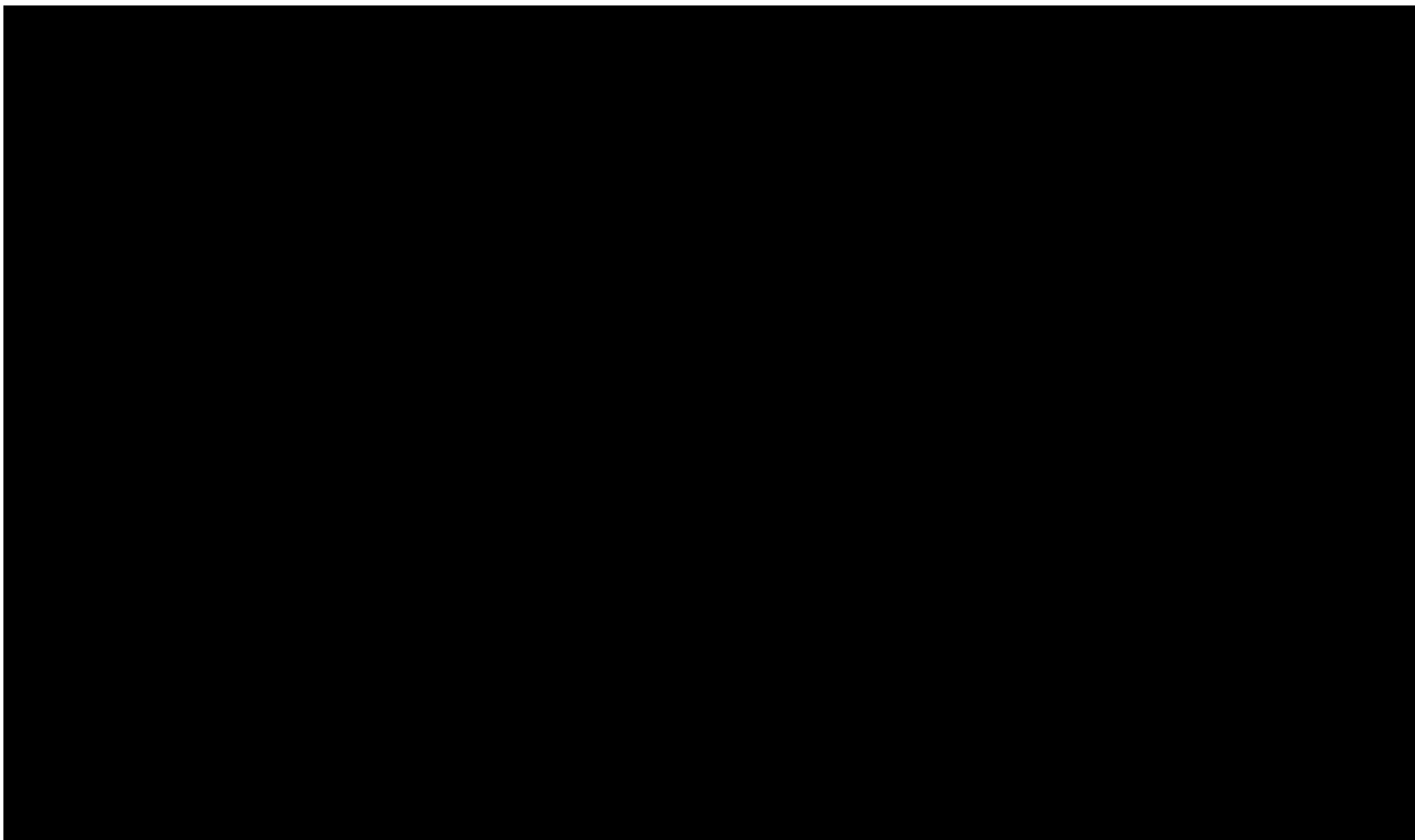
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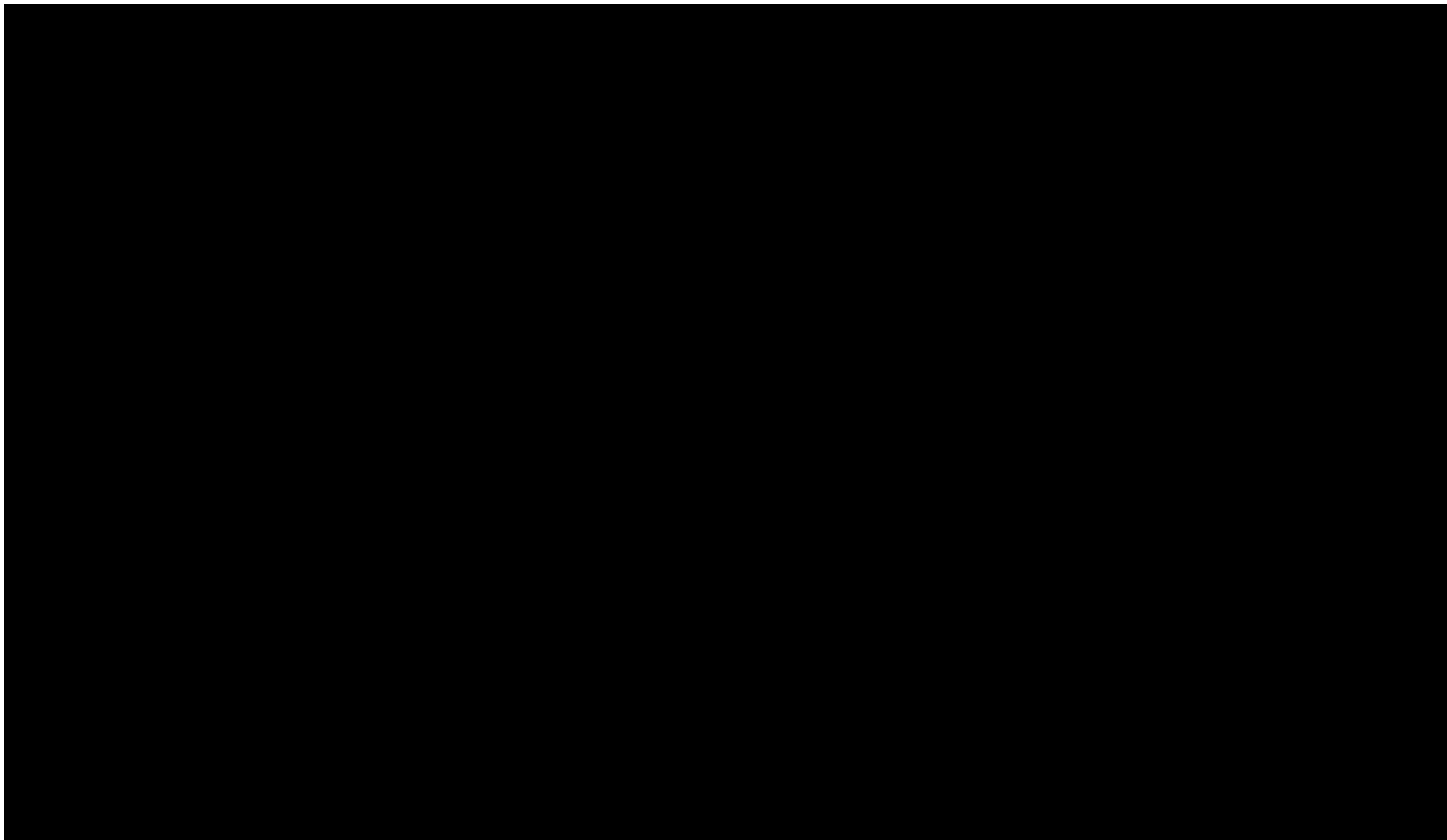
Confidential Attachment 3

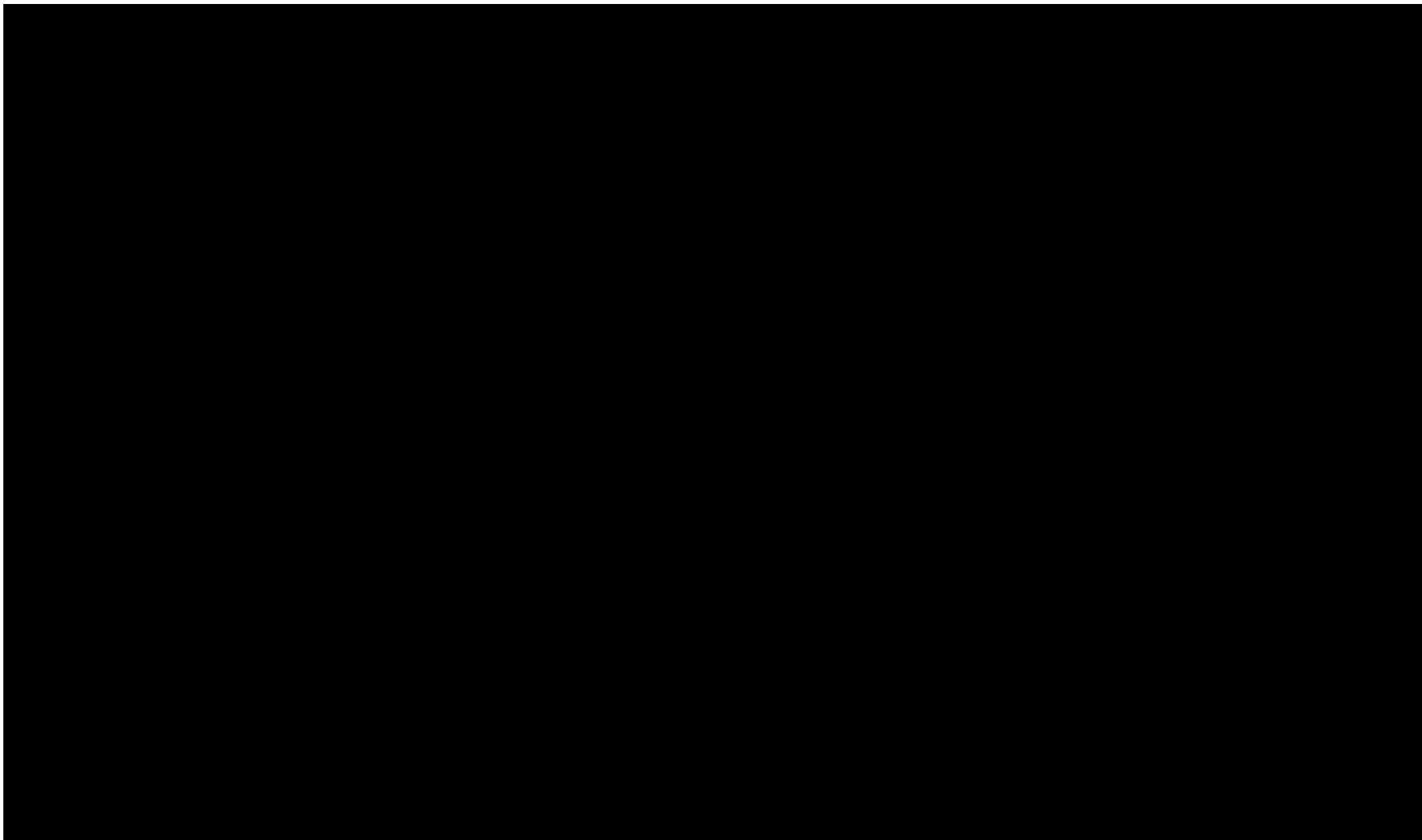
2020-12-30 - Hickok - Worley Project Schedule

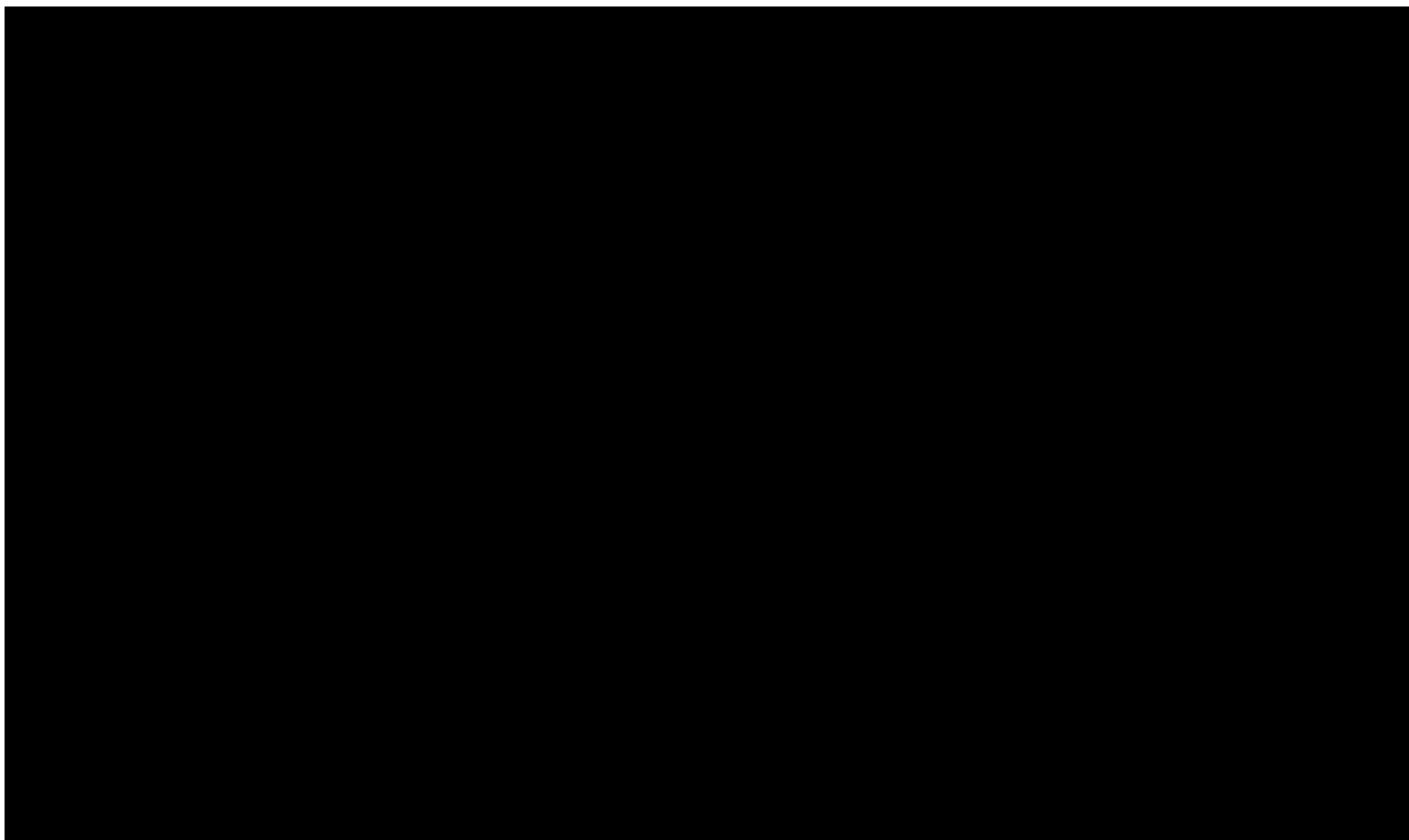
Confidential Attachment 4
2021-01-04 - Hickok -
COVID-19 Impact Schedule Analysis

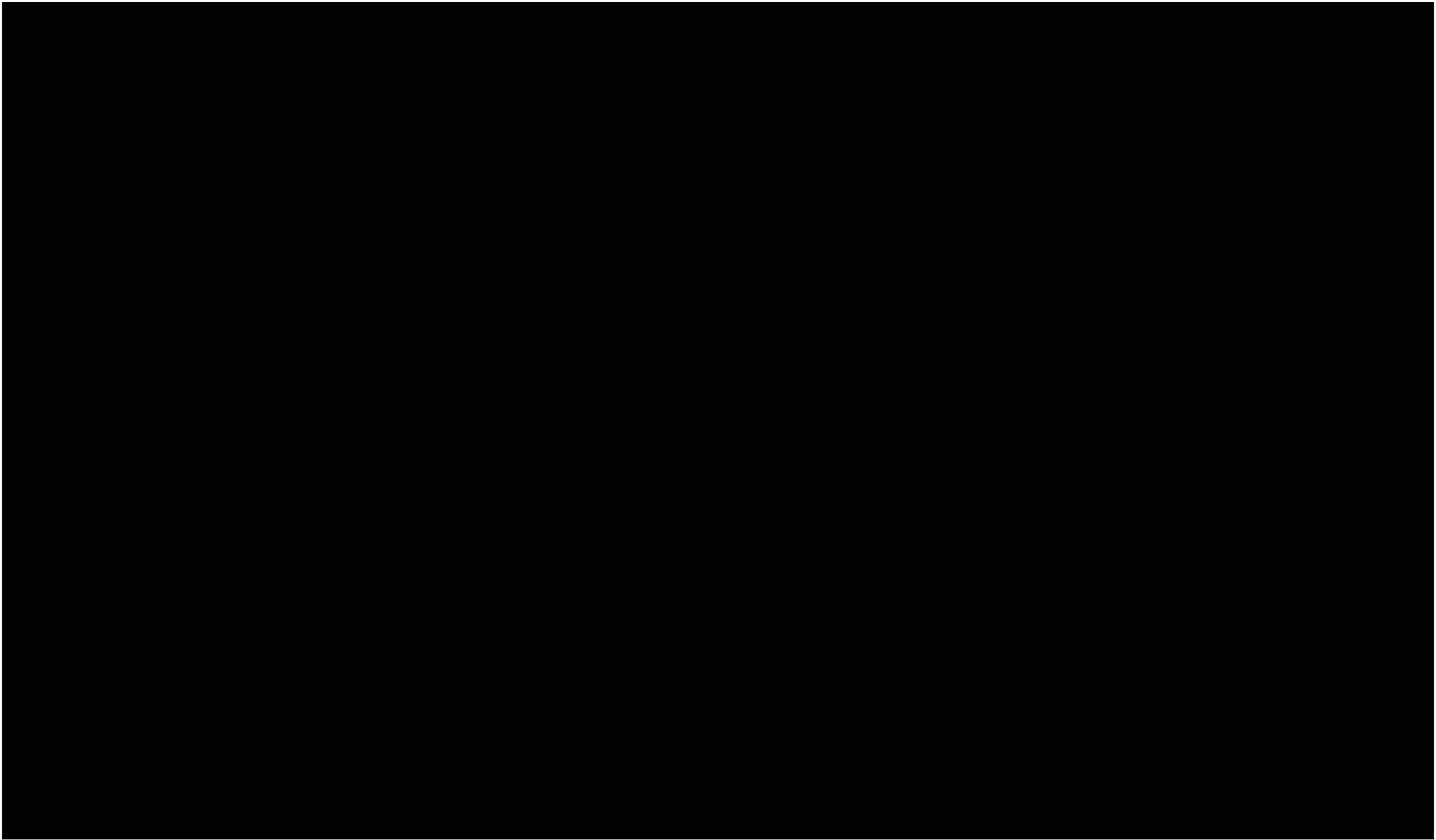


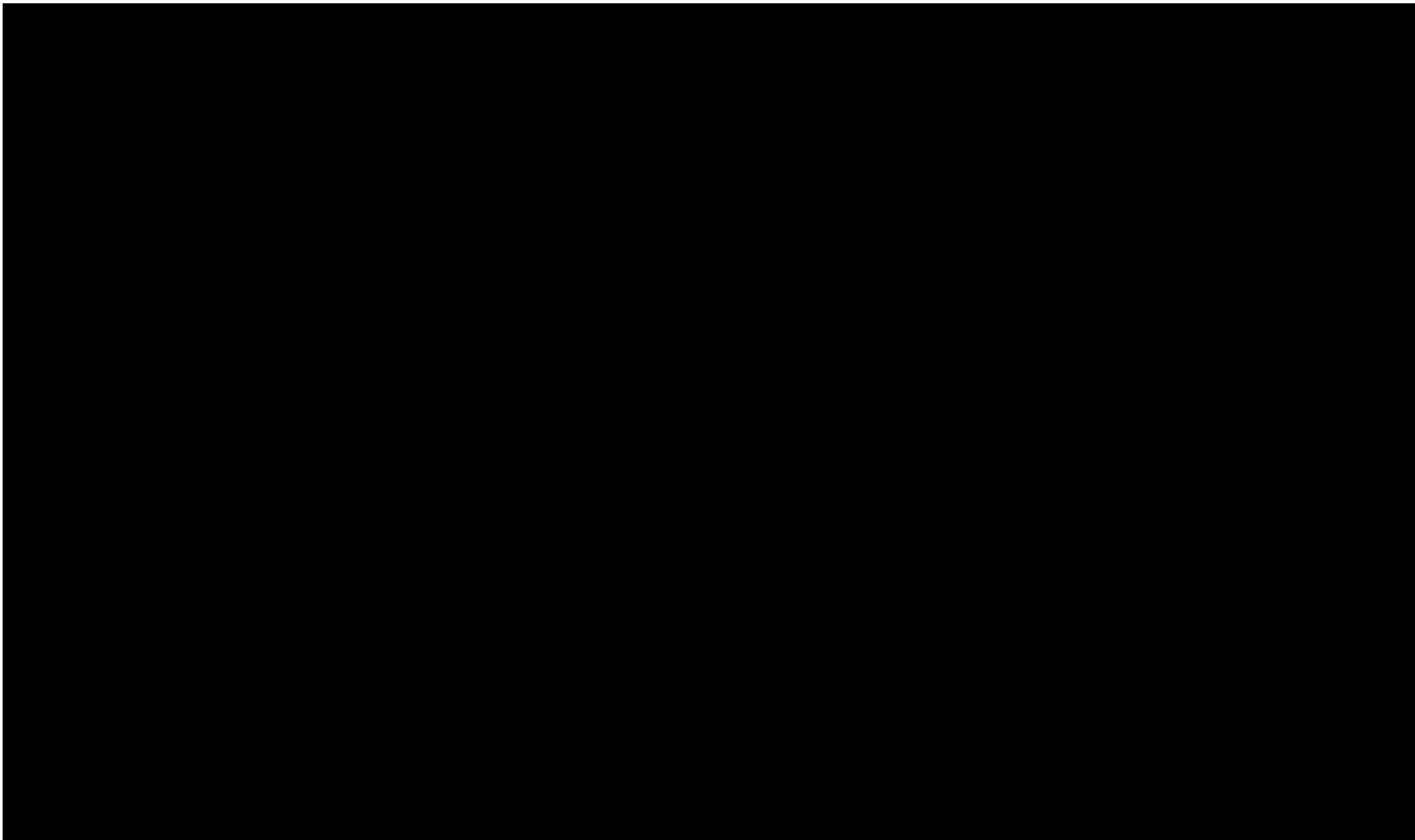


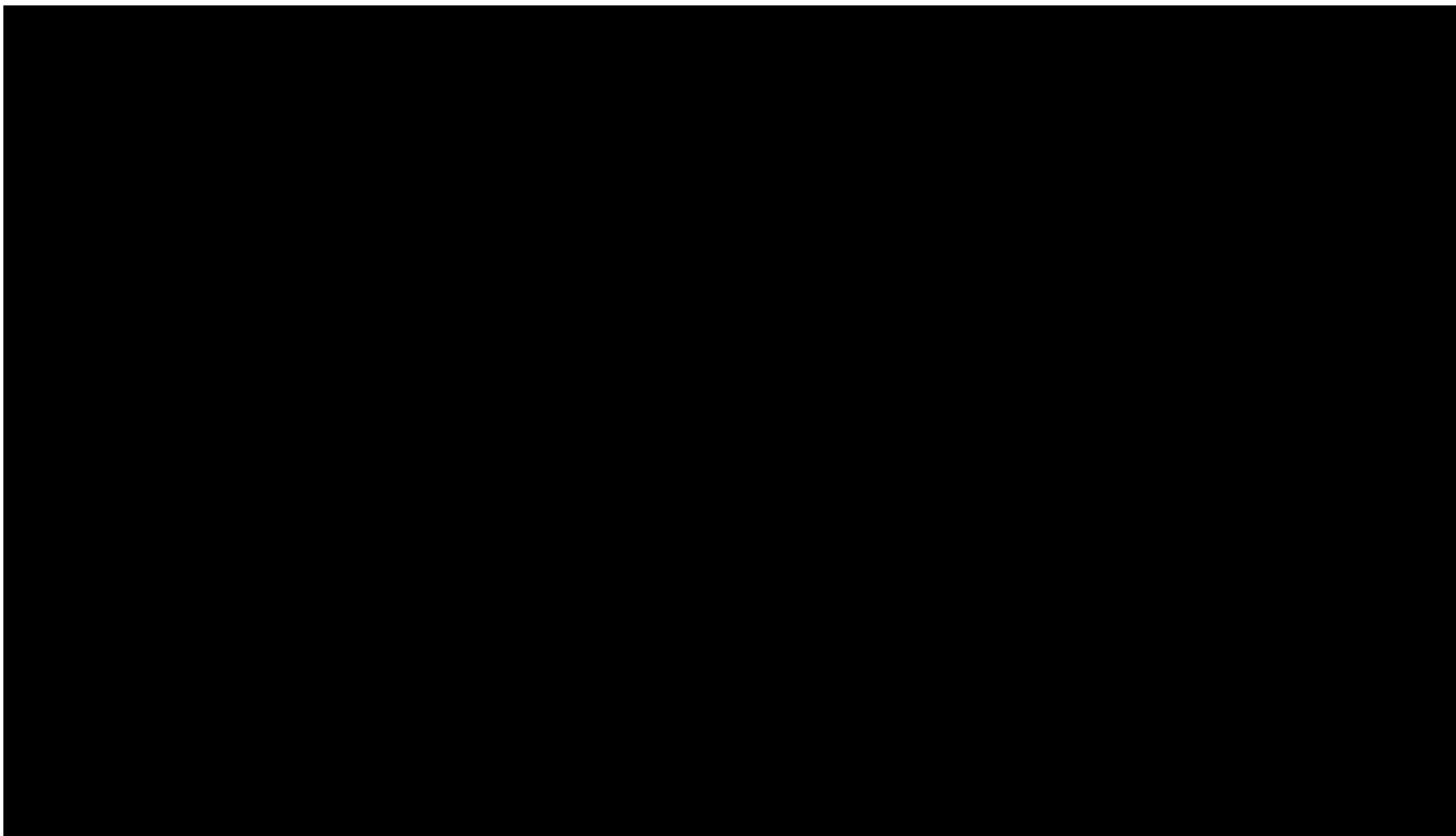


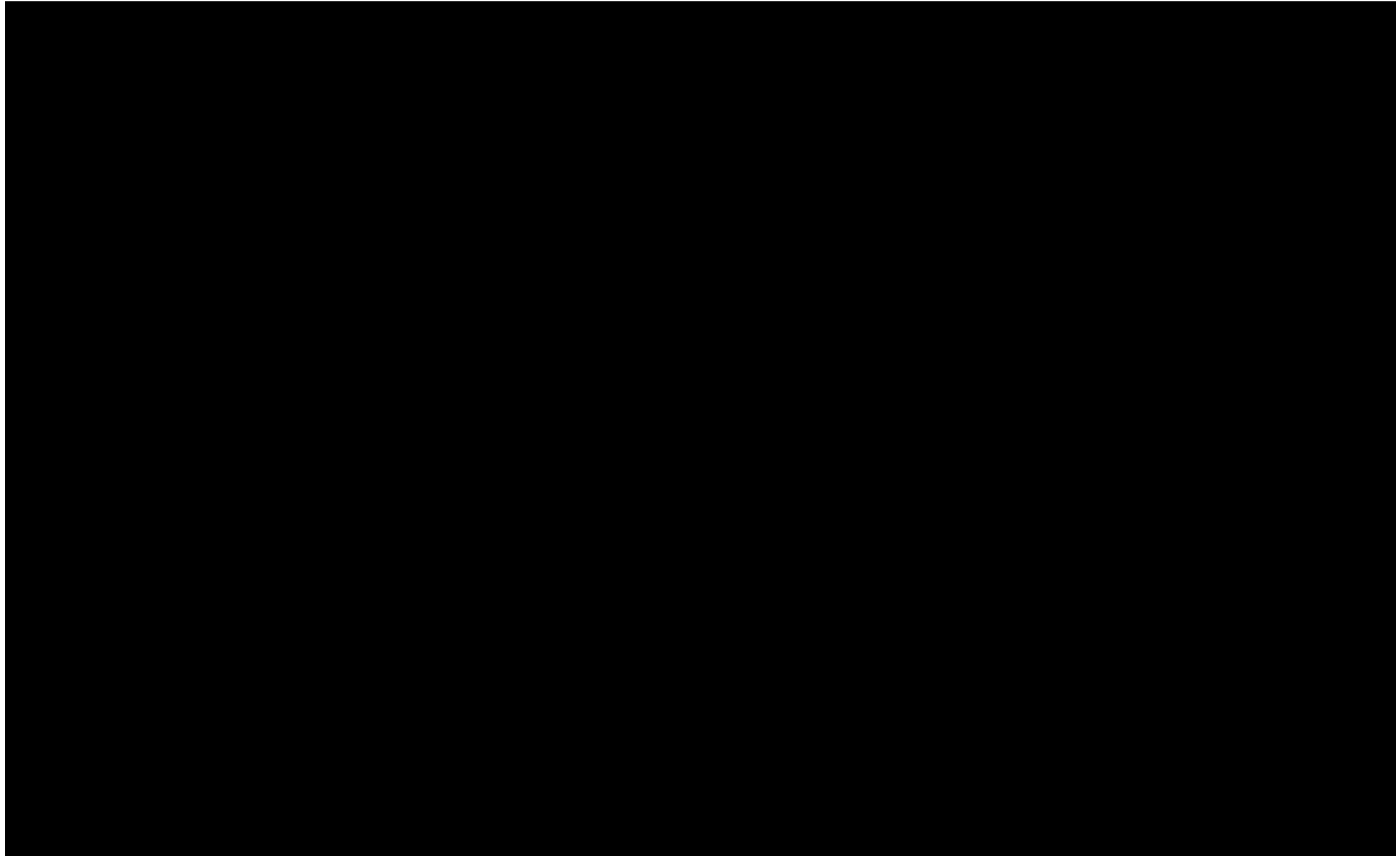


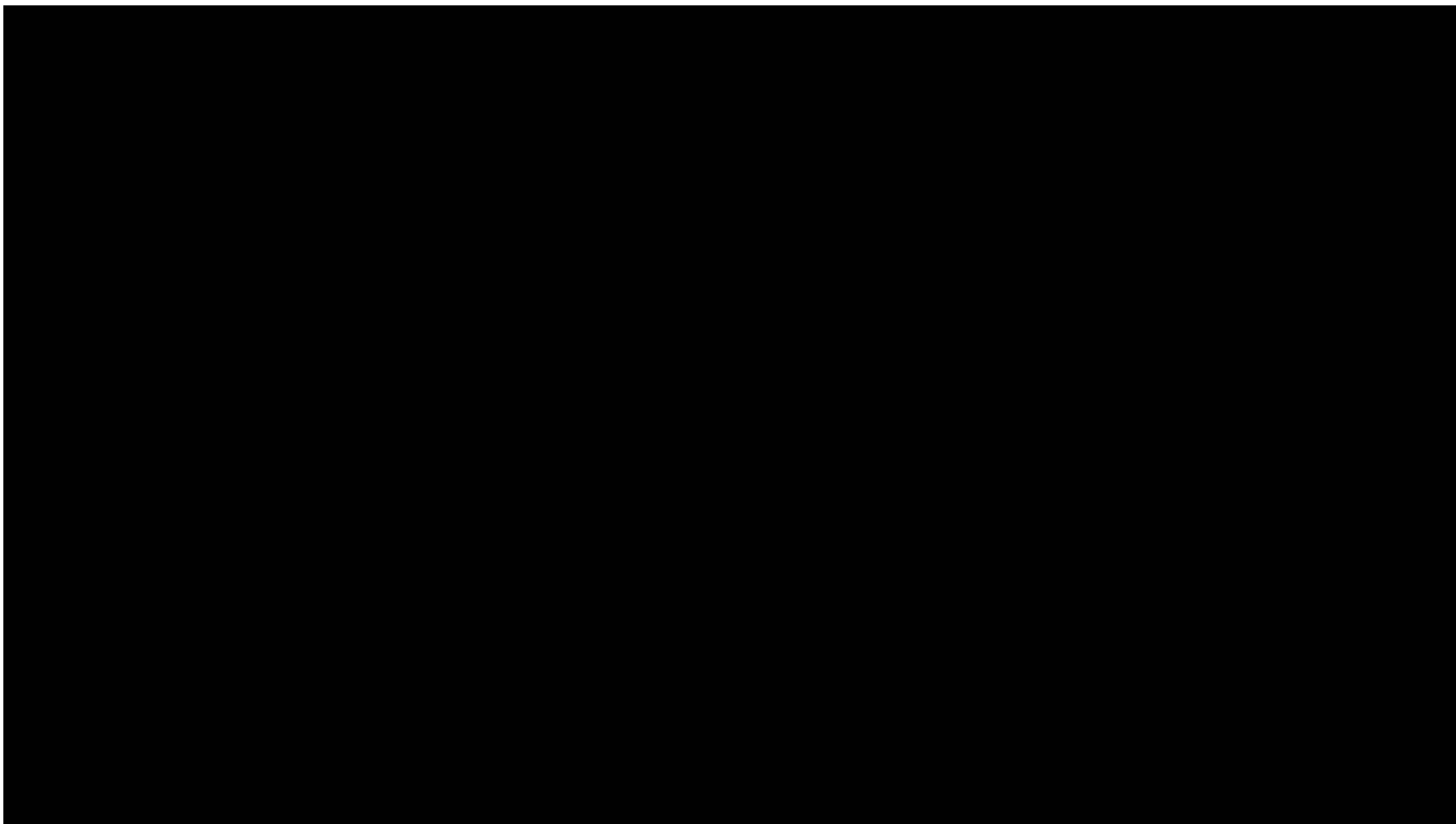


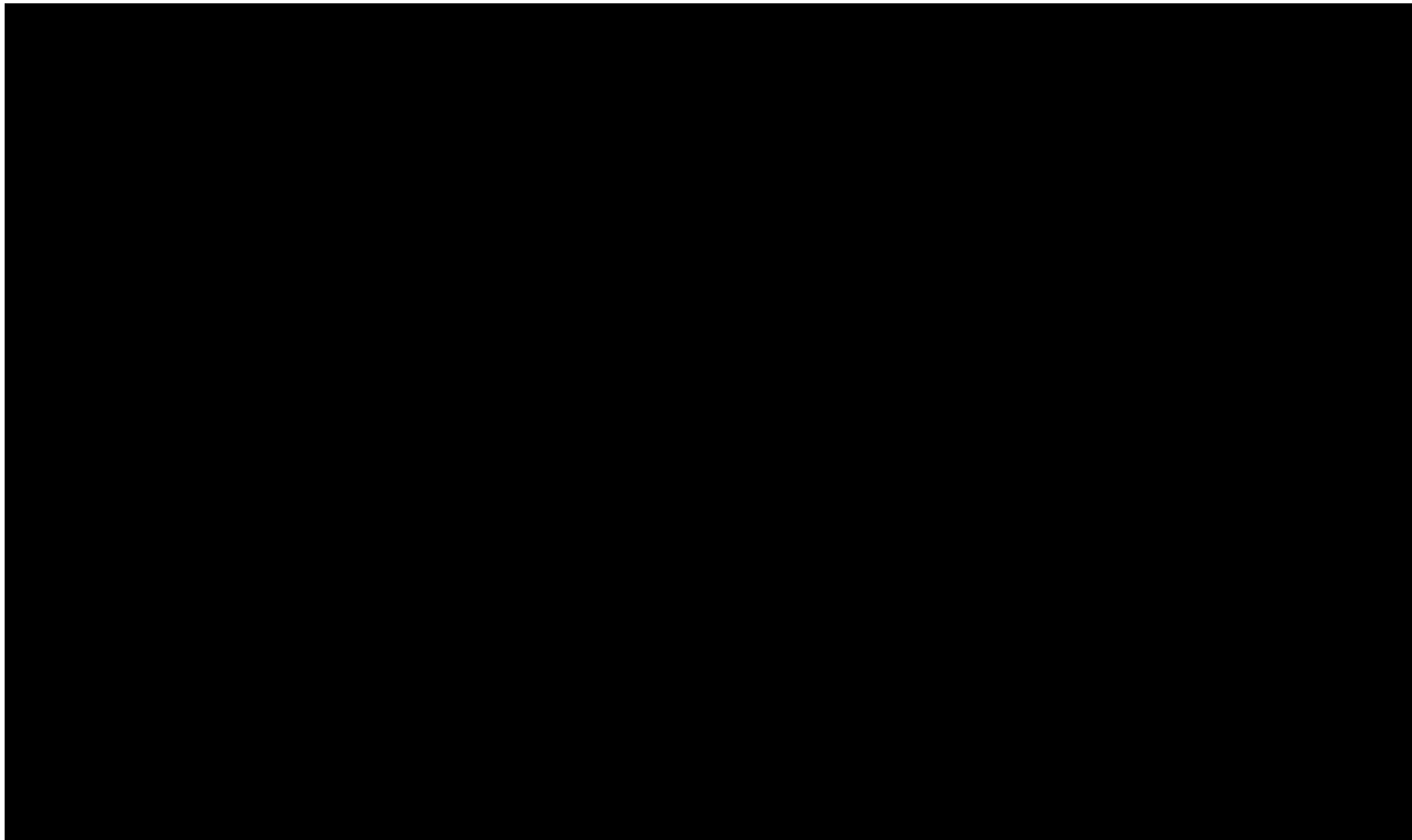












Attachment 5
2021-01-04 - Hickok -
Notice from Supply Chain Lead

Rahman, Anushka N.

To: Waskul, Randy
Subject: RE: Vent Scrubber Delivery Delayed

From: Yeomans, Geoffrey <Geoffrey.Yeomans@adityabirla.com>
Sent: Monday, January 4, 2021 10:05 AM
To: Waskul, Randy <Randy.Waskul@adityabirla.com>; Vannice, Mark <Mark.Vannice@adityabirla.com>
Subject: Vent Scrubber Delivery Delayed

Hi Randy/Mark,

The Vent Scrubber is delayed due to issues in Asia at the port that are out of our control. We delivered it to the port on 12/22 but there are shipping delays in Asia and the original ship booking was dropped as they claimed that they were overbooked and did not have space.

The shipping companies have recently created a priority program that requires an additional fee, we have paid it, and are on the list. We do not have an updated date of departure at this time, but we will be following up every day this week until we get a spot on a ship. They are aware that this is urgent.

I will keep you both informed of our progress.

Geoff Yeomans

--

Supply Chain Lead
Marietta, GA

Birla Carbon

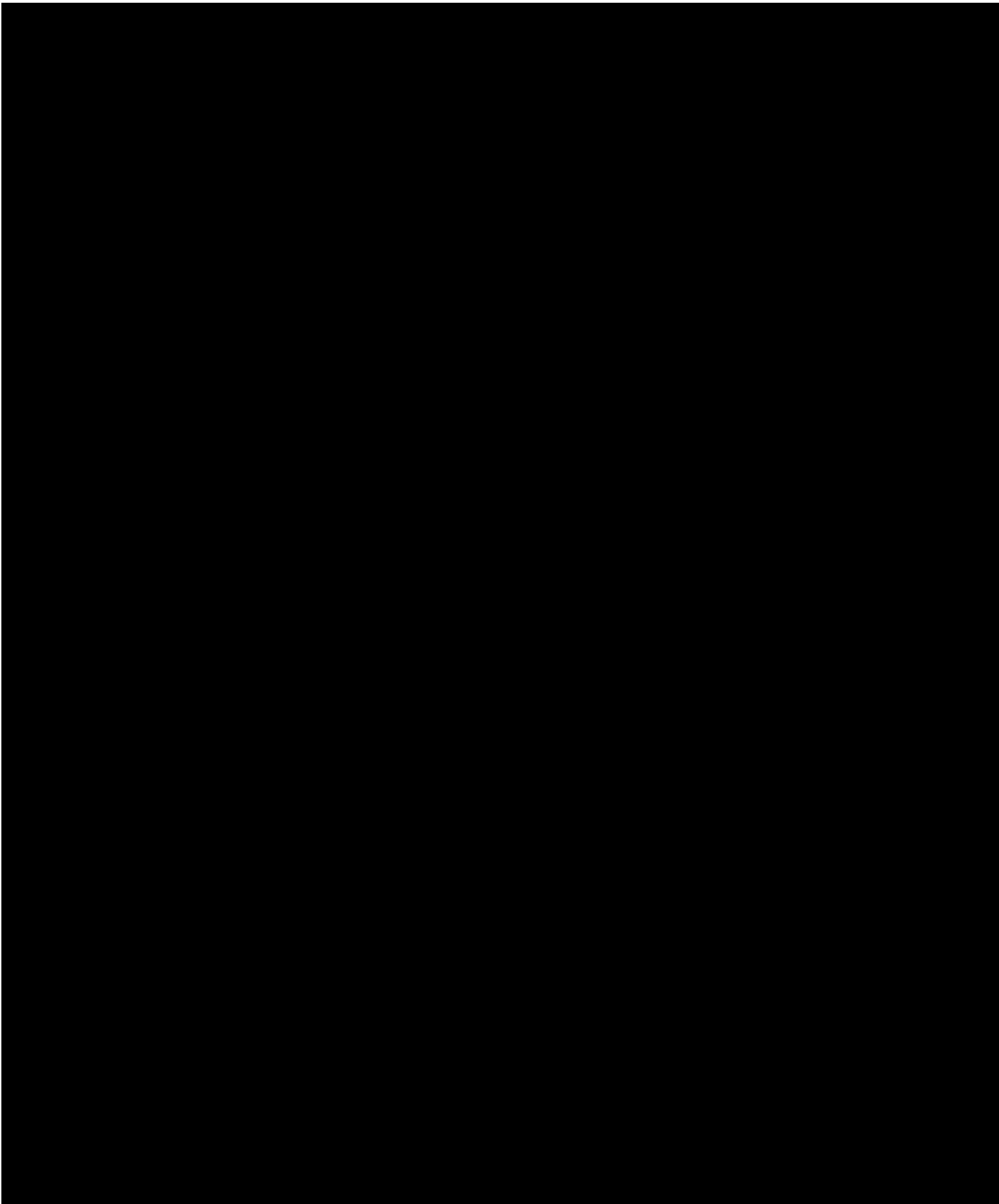
T: (770) 792-9462 | **W:** www.birlacarbon.com

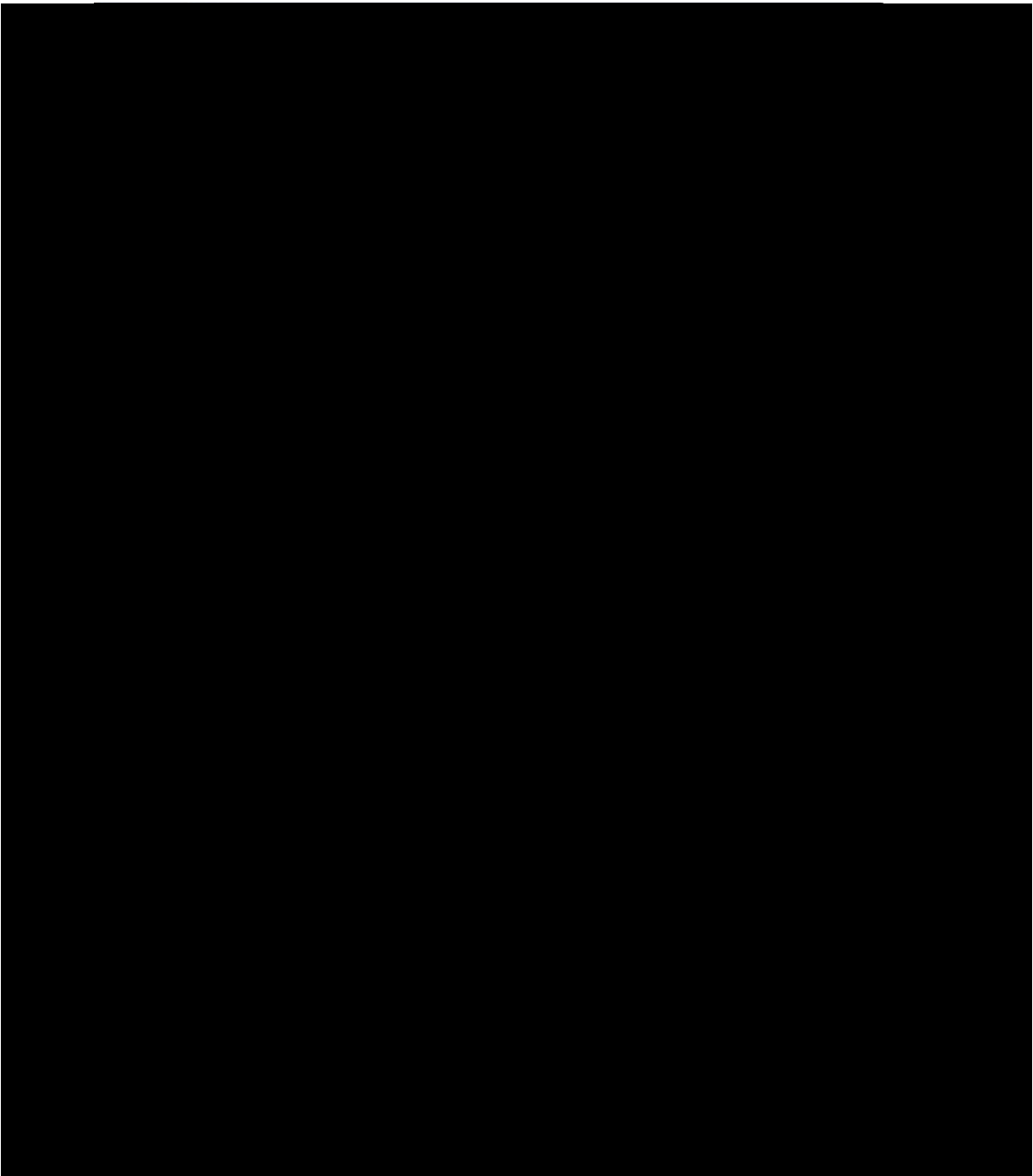
E: Geoffrey.Yeomans@adityabirla.com

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Confidential Attachment 6

2021-01-04 - Hickok - Notice from Shipping Agent





Attachment 7
2021-01-05 - Hickok -
Notice from Project Director

Rahman, Anushka N.

Subject: Hickok Vent Scrubber Delivery & Installation

From: Vannice, Mark <Mark.Vannice@adityabirla.com>

Sent: Tuesday, January 5, 2021 1:30 PM

To: Waskul, Randy <Randy.Waskul@adityabirla.com>; Clark, Dale <Dale.Clark@adityabirla.com>; Bauer, Andrew <Andrew.Bauer@adityabirla.com>

Subject: Hickok Vent Scrubber Delivery & Installation

Randy

Per our previous conversation

I am traveling today and do not access to internet.

The estimated time for the Vent Scrubber to clear customs and be delivered to the Hickok Plant is 7 days

The estimated time for installation and testing for the Vent Scrubber is 4 to 6 weeks, once it is arrived on site

If you have questions or need further clarification, please feel free to give me a call

Mark

Mark Vannice, PE
Project Director EPA 114
Birla Carbon

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